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#### **CALL TO ORDER**

[Time: 00:00:06]

GOOD EVENING, GOOD AFTERNOON, I SHOULD SAY. I'D LIKE TO CALL TO ORDER THE REGULAR MEETING, APPROXIMATELY 5:15, START WITH THE ROLL CALL, PLEASE.

#### **ROLL CALL**

[Time: 00:00:24]

City Clerk Carolyn Jagger: THANK YOU YOUR HONOR. MAYOR JIM LANE.

Mayor Lane: PRESENT.

Carolyn Jagger: VICE MAYOR SUZANNE KLAPP.

Vice Mayor Klapp: HERE.

Carolyn Jagger: COUNCILMEMBERS VIRGINIA KORTE.

Councilmember Korte: HERE.

Carolyn Jagger: BOB LITTLEFIELD.

Councilman Littlefield: HERE.

Carolyn Jagger: LINDA MILHAVEN.

Councilwoman Milhaven: HERE.

Carolyn Jagger: GUY PHILLIPS.

Councilmember Phillips: PRESENT.

Carolyn Jagger: DENNIS ROBBINS.

Councilman Robbins: HERE.

Carolyn Jagger: ACTING CITY MANAGER DAN WORTH.

Acting City Manager Dan Worth: HERE.

Carolyn Jagger: CITY ATTORNEY BRUCE WASHBURN.

City Attorney Bruce Washburn: HERE.

Carolyn Jagger: CITY TREASURER DAVID SMITH.

David Smith: PRESENT.

Carolyn Jagger: CITY AUDITOR SHARRON WALKER.

City Auditor Sharron Walker: HERE.

Carolyn Jagger: AND THE CLERK IS PRESENT.

Mayor Lane: THANK YOU. A COUPLE OF ITEMS OF BUSINESS TO START OFF WITH. WE DO HAVE CARDS IF YOU'D LIKE TO SPEAK ON THE ITEMS ON THE AGENDA. IT'S THE WHITE CARD TO MY RIGHT HERE. IF YOU LIKE TO GIVE US SOME WRITTEN COMMENTS ON ANY OF THE AGENDA ITEM, THERE'S A YELLOW CARD THAT YOU CAN FILL OUT. WE HAVE GREG CARLIN AND TOM CLEARY HERE WITH US. AND, THE AREAS BEHIND THE COUNCIL ARE RESERVED FOR COUNCIL STAFF ONLY. WE ARE PRIVILEGED TO HAVE BROWNIE TROOP 2729 WITH THEIR LEADER WENDY FRAISER TO LEAD US IN THE PLEDGE OF ALLEGIANCE.

**PLEDGE OF ALLEGIANCE**

[Time: 00:01:37]

BROWNIE TROOP 2729: I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA, AND TO THE REPUBLIC FOR WHICH IT STANDS ONE NATION UNDER GOD INDIVISIBLE WITH LIBERTY AND JUSTICE FOR ALL.

Mayor Lane: THANK YOU LADIES. IF YOU COULD TURN THE MICROPHONE AROUND AND INTRODUCE YOURSELF AND LET US KNOW WHERE YOU GO TO SCHOOL AND WHAT YOUR FAVORITE SUBJECT IS.

BROWNIE TROOP 2729: HELLO, MY NAME IS MELLY. I AM IN THIRD GRADE AT COPPER CANYON AND MY FAVORITE SUBJECT IS SCIENCE. I AM ALEXA AND I AM IN THIRD GRADE, MY FAVORITE SUBJECT IS MATH AND I GO TO COPPER CANYON. MY NAME IS SYDNEY, I GO TO COPPER CANYON IIN THIRD GRADE AND MY FAVORITE SUBJECT IS MATH. MY NAME IS KYLIE KELLY, I GO TO COPPER CANYON, I AM IN THIRD GRADE AND MY FAVORITE SUBJECT IS SOCIAL STUDIES. HELLO, MY NAME IS AMBER, MY FAVORITE SUBJECT IS SCIENCE, AND I GO TO COPPER CANYON, YEAH. HI, HI NAME IS EMMA, I AM IN THIRD GRADE, I GO TO COPPER CANYON, MY FAVORITE SUBJECT IS ART.

Mayor Lane: THANK YOU VERY MUCH LADIES THAT WAS PERFECT. THANK YOU VERY MUCH FOR BRINGING THEM.

#### **INVOCATION**

[Time: 00:03:42]

Mayor Lane: THE INVOCATION THIS EVENING IS PROVIDED BY PASTOR BRIAN MCNALLY OF THE SCOTTSDALE BIBLE CHURCH.

Pastor Brian McNally: GOOD AFTERNOON, WILL YOU PLEASE JOIN ME IN OUR PRAYERS. HEAVENLY FATHER WE THANK YOU FOR THIS DAY THAT YOU HAVE GIVEN US AND LORD I THANK YOU FOR OUR MAYOR AND THE CITY COUNCIL AND FOR OUR CITIZENS. WE DO BELIEVE THAT OUR GOVERNMENT IS INDEED A BLESSING BECAUSE IT'S ONE THAT LISTENS TO PEOPLE AND GOVERNS WITH THE PEOPLE'S BEST INTERESTS IN MIND. BECAUSE OF THAT WE DO PRAY. FIRST WE PRAY FOR THE SPEAKERS THIS EVENING TO BE ABLE TO CLEARLY ARTICULATE AND CONVEY THEIR INTERESTS AND THEIR SUPPORTING FACTS. WE ALSO PRAY FOR THE MAYOR AND COUNCIL, THAT YOU WOULD GIVE THEM KEEN EARS WITH WHICH TO HEAR, DISCERNING MINDS TO UNDERSTAND, AND WISDOM TO DISTINGUISH GOOD FROM BAD AND THE BEST FROM AMONG ALL CONSIDERATIONS. WE ASK YOUR GUIDANCE AND DIRECTION OF ALL THE DETAILS IN THIS MEETING. WE ASK YOU TO SHOW YOUR FAVOR TO US BY GRANTING THESE REQUESTS IN ACCORDING TO YOUR WILL, AMEN.

Mayor Lane: THANK YOU, MINISTER.

#### **MAYOR'S REPORT**

[Time: 00:05:16]

Mayor Lane: TODAY WE'D LIKE TO CELEBRATE AND ACKNOWLEDGE OUR POLICE AND FIRE DISPATCHERS AND 911 OPERATORS WITH THIS PROCLAMATION. THEY'RE PROFESSIONALS WHO USE PUBLIC SAFETY TELECOMMUNICATIONS TO QUICKLY RESPOND TO EMERGENCY CALLS. EVERY DAY OF THE YEAR IN EMERGENCY SITUATIONS AND WHEREAS IT IS TIME THAT WE SHOW OUR APPRECIATION FOR THESE INDIVIDUALS WHO ASSIST OUR NATION'S THE POLICE AND FIRE DEPARTMENTS'

PROFESSIONALISM AND RESPONSIVENESS. I JIM LANE MAYOR DO HERE BY PROCLAIM, APRIL 14TH THROUGH THE 20TH, 2013 IS TELECOMMUNICATORS WEEK. I URGE ALL OF OUR CITIZENS TO JOIN ME IN EXTENDING RECOGNITION OF THESE OUT STANDING TELECOMMUNICATIONS PROFESSIONALS FOR THEIR DEDICATION AND COMMITMENT TO SERVING OUR CITIZENS IN COUNTLESS WAYS. CONGRATULATIONS FOR THAT.

ALSO, I'D LIKE TO TAKE A MOMENT ALONG WITH OTHERS, OTHER MAYORS FROM AROUND THE COUNTRY TO RECOGNIZE TODAY AS THE FIRST ANNUAL MAYOR'S DAY OF RECOGNITION FOR NATIONAL SERVICE. WHAT THIS IS FOR RECOGNITION OF ALL THE VOLUNTEERS IN OUR COMMUNITY AND WE ARE BLESSED IN THE COMMUNITY TO HAVE A GREAT NUMBER OF VOLUNTEERS. WHEREAS THE VOLUNTEER CULTURE OF THE UNITED STATES IS ONE OF THE MOST ROBUST IN THE WORLD. WHEREAS THE RECOGNITION IS CELEBRATING THE VITAL WORLD VOLUNTEERS OF THE NATIONAL SERVICE PLAY INI MEETING TODAY'S TOUGHEST CHALLENGES. THE CITY OF SCOTTSDALE JOINS OTHER MAYORS ACROSS THE UNITED STATES TO THANK ALL THE VOLUNTEERS GIVING THEIR TIME AND ENERGY TO BUILDING A BETTER WORLD BOTH AT HOME AND ABROAD. I LIKE TO REALLY GIVE THEM ALL A HAND.

IS THERE A CITY MANAGER REPORT?

Acting City Manager Dan Worth: MAYOR, THERE IS NOT.

THANK YOU.

**PUBLIC COMMENT**

[Time: 00:10:05]

Mayor Lane: THERE AARE NO FURTHER PRESENTATIONS OR ANNOUNCEMENTS, WE'LL GO TO PUBLIC COMMENT. PUBLIC COMMENT IS RESERVED FOR CITIZEN COMMENT FOR NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO 3 MINUTES EACH, UP TO A MAXIMUM OF FIVE SPEAKERS. I THINK WE'RE AT THE MAXIMUM. I WILL START WITH JOHN MCGRUDER, FOLLOWED BY SYDNEY SAPERSTEIN. MR. MCGRUDER, IS HE HERE WITH US? IS THIS IN PLACE OF MR. MCGRUDER'S CARD? WHAT WAS YOUR NAME SIR? ALL RIGHT, DOES THIS COVERS FOR BOTH OF THE CARDS THEN? OKAY, DO YOU WANT TO GO FIRST AND JOHN MCGRUDER WOULD LIKE TO GO AFTER THAT? OKAY.

Ed Yankowski: I AM HERE ON THE BEHALF OF THE SAFARI DRIVE RESIDENTS. WE REQUEST THAT YOU RE-AGENDIZE CONSIDERATION OF THE ACTING CITY MANAGER'S DETERMINATION THAT BLUE SKY HAS MET THE STIPULATION IN THEIR ZONING APPROVAL REQUIRING THAT ON SITE CONSTRUCTION ABOVE OR BELOW GROUND EXCLUDING GRADING MUST BE WITHIN 24 MONTHS FROM THE DATE OF THE CITY COUNCIL APPROVAL IN ORDER TO AVOID INITIATING A PROCESS TO REVERT BACK TO ITS ORIGINAL ZONING. LAST EVENING WE GOT AN OPPORTUNITY TO MEET WITH THE REPRESENTATIVES OF THE DEVELOPER AND IT HAS BEEN CONFIRMED AT THE MEETING THAT THEY DO NOT HAVE EQUITY FINANCING, CONSTRUCTION LOAN FINANCING, A CONSTRUCTION CONTRACT, WORKING ARCHITECTURAL OR ENGINEERING DRAWINGS, OR A FINAL BUILDING PERMIT. THE CLEAR INTENT OF THE ORIGINAL ORDINANCE I BELIEVE WAS TO HAVE THE CONSTRUCTION WORK COMMENCE WITHIN

TWO YEARS AND THEN CONTINUE AND BE COMPLETED IN A TIMELY MANNER. CLEARLY THE FAÇADE THEY HAVE ENACTED ON SITE DOES NOT CONSTITUTE TO THE CONSTRUCTION REQUIREMENTS, BUT, IS MERELY AN ATTEMPT TO BYPASS THEIR OBLIGATION TO THE RESIDENTS OF SCOTTSDALE IN A TIMELY MANNER. FURTHERMORE BY ISSUING THIS LETTER THE ACTING CITY MANAGER HAS JEOPARDIZED THE CITY'S POWER TO EVER REQUIRE GREY DEVELOPMENT TO BEGIN CONSTRUCTION ON THIS PROJECT AT ALL. WE RESPECTFULLY REQUEST THAT THE CITY COUNCIL PLACE THIS MATTER ON ITS NEXT AVAILABLE AGENDA, THANK YOU.

Mayor Lane: THANK YOU. THEN JOHN.

[Time: 00:14:01]

John McLinden: GOOD EVENING, MY NAME IS JOHN MCLINDEN AND I LIVE AT 4741 NORTH SCOTTSDALE ROAD WHICH IS A SAFARI DRIVE PROJECT. THIS MATTER WAS REMOVED FROM THE AGENDA THIS EVENING. WE BELIEVE IT'S VERY IMPORTANT FOR THIS COMMUNITY AND ALSO SCOTTSDALE AS A WHOLE TO REVIEW THIS MATTER. THERE IS ONE MAJOR IMPORTANT ISSUE AND I WILL GET RIGHT TO THE POINT OF THIS PLAN AND WHY IT'S SEVERELY FLAWED. THIS IS A PROJECT WHERE RIGHT NOW WE HAVE TWO PROJECTS BUILT, THERE IS A RETAIL PROJECT CALLED RENAISSANCE AND THE SAFARI DRIVE PHASE ONE. WHEN THIS PROJECT IS BUILT OUT THERE WILL BE APPROXIMATELY 1000 UNITS. A SIGNIFICANT INCREASE AND THE MOST IMPORTANT FACT IS ALL OF THAT TRAFFIC, ALL OF THAT TRAFFIC IF YOU ARE MAKING A LEFT HAND TURNING MOVEMENT HAS ONE EXIT AND THAT'S RIGHT HERE. ALL OF THAT TRAFFIC GOES OUT ONE POINT. THE CITY HAS A TRAFFIC REPORT IN ITS POSSESSION WHICH STATES THAT IT WOULD TAKE 342 LINEAR FEET OF STACKING IN ORDER, DURING RUSH HOUR, TO MAKE THAT LEFT HAND TURN MOVEMENT. THEY SAY THAT'S A SINGLE LANE IF THEY MOVE TWO LANES THEN THERE CAN BE 200 PLUS FEET. 300 FEET WOULD TAKE US ALL THE WAY BACK BEYOND OUR UNDERGROUND GARAGE STARTS. 200 FEET WOULD TAKE US BACK TO WHERE MY PEN IS APPROXIMATELY RIGHT HERE. IN ADDITION TO THAT THE PROFILE OF THE LANE IS SHOWN HERE AS 2 EXITS AND ONE ENTRANCE. THAT'S BECAUSE THE DISTANCE OF THESE BUILDINGS NECESSITATE THAT. IT WOULD HAVE TWO LEFT HAND TURNING LANES, ONE THROUGH LANE AND ONE RIGHT HAND TURNING LANE. SO IT'S A TOTAL OF 5 OR 6 LANES. SHOWING IN THE PROFILE IT WOULD SIMPLY NOT FIT. THE BUILDING AND THE LANDSCAPING WOULD HAVE TO BE MOVED; ACTUALLY THE BUILDING WOULD HAVE TO BE MOVED OVER. IT'S A FLAWED PLAN TO BEGIN WITH ONE EXIT. ANOTHER PROBLEM WITH THE PLAN IS WHERE THE OF THE RENAISSANCE CENTER, IT'S SO CLOSE TO THE INTERSECTION. CARS ARE MOVING THROUGH AND THERE IS A HUGE LANE THAT CANNOT BY PASS. IF YOU GO ALL THE WAY BACK THE OTHER PROBLEM IS YOU SEE ALL THE PARKING THAT OCCURS ALONG THE DRIVE RIGHT HERE, THE STAFFING CAPACITY WOULD HAVE TO GO THROUGH THAT DRIVE, IT JUST DOES NOT WORK. THERE IS ONE EXIT FOR THE LEFT HAND TURN MOVEMENT. IF ANYBODY WANTS TO GO ON THE BACK ROAD IT'S GOING TO MAKE THE LEFT HAND TURNING MOVEMENT. THIS SIDE DOES NOT WORK FOR THIS PLAN AND IT REALLY NEEDS TO BE REVIEWED.

Mayor Lane: I AM SORRY, BUT YOU ARE OUT OF TIME.

John McLinden: THANK YOU.

Mayor Lane: NEXT SHOULD BE SYDNEY SAPERSTEIN, FOLLOWED BY NANCY CANTOR.

[Time: 00:17:51]

Sydney Saperstein: MAYOR AND VICE MAYOR AND MEMBERS OF THE COUNCIL. I AM HERE IN ADDITION WITH MY FRIENDS TO TALK ABOUT THE REVISITING OF THE APPROVAL FOR THE CONSTRUCTION PROJECT OF BLUE SKY. IN ADDITION TO WHAT HAS ALREADY BEEN SAID HERE ARE SOME LIFE AND SAFETY FACTORS. OUR ABILITY TO GET TO A HEALTH CARE OR AN EMERGENCY HEALTH CARE IS SEVERELY COMPROMISED. THE HEARING THAT WAS TO OCCUR TODAY WHERE WE WOULD HEAR ABOUT THE EXTENSION OF THE CONSTRUCTION TIME FOR THE BLUE SKY PROJECT WAS OBIVIATED BY THE DETERMINATION THAT THEY HAVE MET THE NECESSARY CONSTRUCTION REQUIREMENTS TO CONTINUE ON WITH THEIR CONSTRUCTION WITHOUT HAVING THAT OCCUR. MANY OF US LIVE IN SAFARI DRIVE HAVE BEEN THERE FOR A PERIOD OF LESS THAN 2 YEARS BECAUSE OF THE HISTORY OF SAFARI DRIVE AND WE WERE NOT PARTY TO THE DECISION THAT WAS MADE BACK IN THE DAY WHEN THE ORIGINAL TRAFFIC STUDY WAS DONE, WHICH WAS BEFORE THE MERCEDES DEALERSHIP WAS TO BE ADDED TO THE ADJACENT SITE. WE WERE NOT A PART OF ANY OF THE HEARING PROCESSES THAT OCCURRED UP TO NOW. THE HEARING THAT DID NOT OCCUR TODAY WOULD HAVE GIVEN US THE OPPORTUNITY TO SPEAK TO SOME OF THESE ISSUES. WE'RE LEFT WITH NO RECOURSE BUT TO PETITION THE COUNCIL TO ALLOW THE HEARING THAT WE WERE DENIED THE OPPORTUNITY TO SPEAK AT.

Mayor Lane: THANK YOU. NEXT IS NANCY CANTOR, FOLLOWED BY MARK STUART.

[Time: 00:20:03]

Nancy Cantor: MEMBERS OF COUNCIL, I AM HERE TO ASK ON BEHALF OF THE SCOTTSDALE COALITION THAT WE TAKE A LOOK AT OUR LIQUOR LICENSE APPLICATION POLICIES AND PROCEDURES. THEY HAVE NOT BEEN REVIEWED SINCE 1998. SINCE THAT TIME THERE HAVE BEEN TWO OMNIBUS LIQUOR BILLS TO PASS THE STATE LEGISLATURE. WE'D LIKE YOU TO TAKE A LOOK AT THIS BECAUSE WE KNOW WITH THE REDEVELOPMENT THAT'S GOING TO OCCUR IN THE SOUTHERN PART OF SCOTTSDALE IN THE MCDOWELL AND SCOTTSDALE ROAD AREA, WE ARE GOING TO SEE AMENITIES COMING IN LIKE BARS AND RESTAURANTS AND OTHER LIQUOR ESTABLISHMENTS AND WE WOULD LIKE TO MAKE SURE THAT WE DON'T HAVE THE CLASH LIKE WE HAVE SEEN IN DOWNTOWN AND IMMEDIATELY OUTSIDE OF THE DOWNTOWN AREA. THERE ARE MANY THINGS THAT WE CAN BE DOING TO MAKE SURE THAT WE DON'T HAVE THE NEGATIVE IMPACT. WE WOULD LIKE TO HAVE A LOOK AT THE LIQUOR LICENSE POLICIES AND PROCEDURES. THANK YOU.

Mayor Lane: THANK YOU MS. CANTOR. NEXT IS MARK STUART.

[Time: 00:21:31]

Mark Stuart: MAYOR LANE AND MY FELLOW CITIZENS, I HAVE BEEN WORKING ON THE PRESENTATION, UNFORTUNATELY, I WAS VERY BUSY AND I WAS NOT ABLE TO FINISH IT. I WANT TO GIVE YOU A TASTE AND I WILL WORK ON IT FOR TWO MORE WEEKS AND IT WILL BE VERY GOOD WHEN I COME BACK. ARE THERE ANY LIMITS ON HOW THE SCOTTSDALE CITY COUNCIL CAN SPEND

TAXPAYERS MONEY? WELL, IT TURNS OUT THERE ARE OTHER THAN THE LIMITS OF BORROWING AND YOU KNOW HOW MUCH CAN WE TAX PEOPLE HERE IN SCOTTSDALE? WE HAVE A UNIQUE PROBLEM, WE HAVE TOO MUCH TAX MONEY AND SO WE HAVE A WHOLE INDUSTRY OF PEOPLE WHO HAVE GROWN UP TRYING TO GET THEIR HANDS IN IT. THIS IS WHAT I REFERRED TO SCOTTSDALE'S POT OF GOLD. I HAVE POSED THE FOLLOWING QUESTION. IS IT LEGAL TO GIVE AWAY TAXPAYERS FUNDS OR THE EXCLUSIVE USE? WELL, THE ANSWER IS NO WITH VERY LIMITED EXCEPTIONS. NOW, MANY OF YOU PROBABLY DON'T KNOW THE HISTORY OF TURKEN VS. GORDON. HERE IN ARIZONA WE HAVE A STATE CONSTITUTION, THE STATE CONSTITUTION SAYS YOU CANNOT GIVE MONEY AWAY BUT WE DID IT ANYWAY. FINALLY, THE SUPREME COURT CLARIFIED THE CONDITION UNDER WHICH IT CAN GIVE MONEY AWAY. THE CITY OF SCOTTSDALE WAS SO IMPRESSED WITH THIS THAT THEY SAID THEY'RE GOING TO TAKE IT ONE STEP FURTHER AND THEY PUT TOGETHER PROPOSITION 412. IN THE MINUTES OF THE MAY 18TH 2010 CITY COUNCIL MEETING, CITY ATTORNEY BRUCE WASHBURN CONFIRMED THAT PROPOSITION 412 WAS MUCH MORE RESTRICTED. AND, MAYOR LANE SAYS THE PROPOSED AMENDMENT CLARIFIED THE AMENDMENT OF THE CONSTITUTION. NOW, THAT SOUNDS GREAT SO I SENT AN E-MAIL INTO THE CITY AND I SAID I'D LIKE A COPY OF POLICIES OF INSTRUCTING STAFF AND CITY COUNCILS ABOUT HOW THEY'RE GOING TO MAKE INFORMED DECISIONS SO WE KNOW THEY'RE FOLLOWING THE LAW OF OUR CITY. AND THE ANSWER I GOT BACK WAS WELL, THAT'S ATTORNEY/CLIENT PRIVILEGE. IF WE ARE GOING TO FOLLOW THE LAW, THERE IS ONLY ONE PERSON WHO CAN EXPLAIN IT TO US, THAT IS THE CITY ATTORNEY. IF THE CITY ATTORNEY HAS FORMULATED A POLICY BRING IT OUT IN THE PUBLIC SO THAT WE CAN SEE AND KNOW THAT YOU ARE ADHERENT TO IT. IF WE DON'T HAVE IT, LET'S GO ABOUT PUTTING ONE TOGETHER. WE ARE AFTER ALL A NATION OF LAWS AND A CITY OF LAWS AND EVERY GOVERNMENTAL COUNCIL NEEDS LIMITS.

Mayor Lane: THANK YOU MR. STUART. WE DO NOT APPLAUD OR BOO, THIS IS NOT A THEATER BUT THANK YOU VERY MUCH MR. STUART.

#### **ADDED ITEMS**

[Time: 00:25:19]

Mayor Lane: AGAIN, THAT COMPLETES PUBLIC COMMENT AND WE DO HAVE SOME ADDED ITEMS TO THE AGENDA BECAUSE OF CHANGES MADE TO ITEM 25. I WOULD ACCEPT A MOTION TO ACCEPT THIS ON THE AGENDA AS PRESENTED OR TO CONTINUE ITEM 25 TO EITHER APRIL 16TH OR THE 30TH. DO I HAVE SUCH A MOTION?

[Time: 00:25:38]

Councilman Robbins: MAYOR, I'LL MOVE WE ACCEPT THAT AS ADDED TO THE AGENDA.

Mayor Lane: MOTION HAS BEEN MADE AND SECONDED. COMMENTS OR ALL IN FAVOR INDICATE AYE OR A NAY. MOTION PASSES 5-2 WITH COUNCILMEN LITTLEFIELD AND PHILLIPS OPPOSING.

#### **APPROVAL OF MINUTES**

[Time: 00:26:17]

Mayor Lane: NEXT ORDER OF BUSINESS I'LL ASK FOR A MOTION TO APPROVE THE REGULAR MEETING MINUTES OF FEBRUARY 26, 2013 AND MARCH 5, 2013 AND SPECIAL MEETING MINUTES OF MARCH 5, 2013. ANY COMMENTS OTHERWISE I'D ACCEPT THE MOTION.

Councilmember Korte: SO MOVED.

Vice Mayor Klapp: SECOND.

Mayor Lane: SO MOVED AND SECONDED. READY TO VOTE? MOTION PASSES UNANIMOUSLY.

### **CONSENT AGENDA**

[Time: 00:26:59]

Mayor Lane: ITEM 12 WAS A CONSENT ITEM WAS REMOVED BY STAFF. IT HAS ALREADY BEEN MENTIONED BUT I WILL SAY WE'LL MOVE ONTO, JUST TO MENTION THIS POINT IN TIME ITEM 26 ON THE REGULAR AGENDA WAS WITHDRAWN BY THE APPLICANT. SO I DO HAVE CONSENT ITEM 1-22 WITH ABSENT 12. LET ME SEE IF I HAVE GOT SOME, I SEE NO CARDS, ANY COMMENTS FROM THE COUNCIL OTHERWISE I ACCEPT THE MOTION TO APPROVE.

Vice Mayor Klapp: I WILL ACCEPT ITEMS 1 THROUGH 22 EXCEPT ITEM 12.

Mayor Lane: NO FURTHER COMMENTS THEN WE ARE READY TO VOTE THEN. ALL THOSE IN FAVOR INDICATE BY AYE. THOSE OPPOSED, NAY. THEY ARE ACCEPTED UNANIMOUSLY. THANK YOU, IF YOU ARE HERE FOR ANY OF THOSE ITEMS, YOU CAN STAY AND WORK THROUGH THE REST OF THE AGENDA WITH US OR YOU CAN LEAVE QUIETLY. OKAY, WE ARE MOVING ONTO OUR REGULAR AGENDA ITEMS.

### **REGULAR AGENDA**

#### **ITEM 24: NEIGHBORHOOD STREET VENDORS (ICE CREAM TRUCKS) CODE AMENDMENT**

[Time: 00:28:31]

Mayor Lane: EVEN THOUGH WE WILL BE HEARING ITEM 23 WE ARE GOING TO START WITH ITEM 24, THE NEIGHBORHOOD STREET VENDORS, THE ICE CREAM TRUCKS CODE AMENDMENT. MR. TWIST FROM MY OFFICE WILL PRESENT FOR STAFF.

[Time: 00:29:05]

Chief of Staff J.P. Twist: MAYOR, WITH ME HERE TONIGHT IS JACK SHAFER, ASSISTANT CITY ATTORNEY WHO WAS CRITICAL IN HELPIN US DRAFT THIS ORDINANCE OVER THE LAST TWO YEARS. BEFORE YOU TONIGHT IS THE NEIGHBORHOOD STREET ORDINANCE, MORE COMMONLY REFERRED TO AS LEO'S LAW OR THE ICE CREAM TRUCK ORDINANCE. I'M GOING TO GO THROUGH A LITTLE BIT OF THE HISTORY OF ICE CREAM TRUCKS BEING BANNED IN SCOTTSDALE, THEN I'LL GO THROUGH THE WAY

THAT THE LAW IS SET TODAY, I'LL COVER OUR PUBLIC OUTREACH AND OUR EFFORTS WE'VE MADE UP TO THIS POINT AND THEN WE'LL GO OVER THE HIGHLIGHTS OF THE DRAFT.

AS SOME OF YOU ARE PROBABLY AWARE BY NOW, MOBILE STREET VENDING/ICE CREAM TRUCKS WERE BANNED IN THE LATE 1970S. FROM WE'VE BEEN ABLE TO GATHER AS STAFF AND WHAT WE'VE HEARD FROM RESIDENTS THAT LIVED HERE FOR A WHILE THAT ICE CREAM TRUCKS WERE BANNED IN THE 70'S BECAUSE OF REPORTS OF ICE CREAM TRUCK DRIVERS USING THEM AS FRONTS TO SELL DRUGS, AND ALSO THE POSSIBILITY THAT A CHILD WAS HIT AND EVEN KILLED. WE'VE HAD PEOPLE TRY TO RESEARCH THROUGH MICROFILM TO SEE IF WE COULD FIND THOSE STORIES BUT WE HAVEN'T BEEN ABLE TO DO IT. STAFF AND RESIDENTS THAT HAVE BEEN AROUND LONG ENOUGH SAY THAT'S THE REASON THAT HAPPENED SO WE'LL TAKE THEM AT THEIR WORD. THE CURRENT BAN ON ICE CREAM TRUCKS IS ORDINANCE NUMBER 16-352 WHICH JUST SAYS WE CAN'T DO, IT'S THE SAME ORDINANCE THAT ALLOWS FOR GARAGE SALES, YOU CAN HAVE TWO A YEAR, BUT, IT ALSO BAN SALES ON STREETS. PRESENT DAY, WE DO KNOW SOME STREET VENDING DOES OCCUR. WE'VE ACTUALLY SPOKEN TO THE POLICE DEPARTMENT. THEY HAVE RECEIVED CALLS OVER THE LAST COUPLE YEARS OF FOLKS COMPLAINING ABOUT ICE CREAM TRUCKS. SO WE HAVE NOT BEEN ABLE TO REALLY ISSUE CITATIONS, WE HAVE NO DOCUMENTATION OF THAT BUT WE DO KNOW THEY EXIST AND WE DO KNOW PEOPLE CALL THE POLICE TO REPORT THEM. ALL OF YOU ARE AWARE BY NOW THAT THE MAYOR RECEIVED A STRONGLY WORDED E-MAIL FROM LEO BLAVIN WHO IS WITH US TONIGHT AND HE WILL SPEAK IN A LITTLE BIT. AFTER HE GOT THE PERMIT FOR PHOENIX AND GLENDALE AND TEMPE HE FOUND OUT THE BUSINESS WAS ILLEGAL IN OUR TOWN SO HE SENT THIS COLORFUL E-MAIL TO THE MAYOR. HERE WE ARE TODAY WITH THE DRAFT ORDINANCE THAT'S BEFORE YOU.

AFTER WE MET WITH LEO AND THE MAYOR GAVE US HIS BLESSING TO TAKE A LOOK AT HOW WE WOULD LIFT THIS, WE MET WITH DIFFERENT CITY DEPARTMENTS TO GET THEIR INPUT ON HOW THEY THINK THAT WE SHOULD DRAFT THIS, WHAT REGULATIONS SHOULD LOOK LIKE. WE MET WITH THE TRANSPORTATION DEPARTMENT, TAX AND LICENSE WHO IS OBVIOUSLY AN INTEGRAL PART OF THE ENFORCEMENT OF THIS ORDINANCE, CITY ATTORNEY'S OFFICE, ALSO OUR NEIGHBORHOODS AND OUR CODE ENFORCEMENT FOLKS. WE GOT THEIR INPUT, PUT AN ORDINANCE TOGETHER AND WE WENT OUT TO THE PUBLIC.

WE STARTED AT THE TRANSPORTATION COMMISSION AND WE ASKED THEM TO EVALUATE WHETHER THEY THOUGHT ICE CREAM TRUCKS ARE AN APPROPRIATE USE OF THE RIGHT OF WAY. THEY DIDN'T EVALUATE THE ORDINANCE BY ITSELF RATHER THEY THOUGHT THAT ICE CREAM TRUCKS WOULD BE AN APPROPRIATE USE OF THE RIGHT OF WAY. WE RECEIVED THEIR UNANIMOUS APPROVAL.

THEN WE TOOK THE ORDINANCE TO THE NEIGHBORHOOD ADVISORY COMMISSION. WE EXPLAINED IT TO THEM AS IT WAS WRITTEN, AND WE RECEIVED THEIR UNANIMOUS APPROVAL. AFTER THAT WE DECIDED TO DO TWO PUBLIC OUTREACH MEETINGS. THE FIRST MEETING THERE WERE ABOUT 15 PEOPLE THAT SHOWED UP AND I WOULD SAY 99% OF THE PEOPLE WERE AGAINST THE ORDINANCE AS IT WAS DRAFTED. WE TOOK A LOT OF NOTES AND THEN WE WENT TO THE SECOND ONE AND HAD A LOT OF GREAT IDEAS WITH THE FOLKS THAT WERE THERE. AFTER THAT WE TOOK ALL THE COMMENTS THAT WE RECEIVED AND DIGESTED IT AND UPDATED THE ORDINANCE. WE TOOK THE UPDATED ORDINANCE TO THEM AND SAID WHAT DO YOU THINK AND OF THE 50 PEOPLE THAT WERE THERE ONLY TWO DIDN'T THINK IT WAS A GOOD IDEA. AFTER THAT THE MAYOR ASKED THAT WE TAKE IT

BACK TO THE ADVISORY COMMISSION FOR ONE LAST TIME. WE DID THAT AND WE RECEIVE THE UNANIMOUS APPROVAL AGAIN.

[Time: 00:33:56]

I WILL GO OVER THE HIGHLIGHTS I WILL NOT GO OVER EVERYTHING. I WILL COVER THE STUFF THAT'S MORE POPULAR AND TRYING TO GIVE YOU THE REASONS WHY IT'S IN THERE. FIRST ONE IS IN ORDER TO OPERATE AN ICE CREAM TRUCK IF IN SCOTTSDALE, YOU HAVE TO BE LICENSED. THE LICENSE IS GOOD FOR ONE YEAR. YOU HAVE TO SHOW THAT YOUR VEHICLE HAS BEEN INSPECTED AND ALSO YOU HAVE A FOOD HANDLER'S CARD. IN ADDITION TO THAT YOU WILL HAVE TO BE SUBJECT TO NOISE RESTRICTIONS. THIS ONE IS PARTICULARLY IMPORTANT AS WE HEARD FROM THE NEIGHBORHOOD ADVISORY COMMISSION, PEOPLE WERE CONCERNED ABOUT THE NOISE FROM ICE CREAM TRUCKS COMING DOWN THE NEIGHBORHOODS. WHENEVER AN ICE CREAM TRUCK STOPS, THE ORDINANCE REQUIRES THE MUSIC TO STOP. THEY'RE NOT ALLOWED TO BE IN FRONT OF A HOUSE CONDUCTING SALES LONGER THAN 30 MINUTES. IF YOU ARE THE ONE THAT HAS KIDS COMING OUTSIDE THE HOUSE, WE DON'T WANT THE MUSIC TO BE REPLAYING FOR 15 MINUTES FOR HOWEVER LONG THE ICE CREAM TRUCK IS GOING TO BE THERE. BACKGROUND CHECK IS ANOTHER IMPORTANT ONE. AFTER WE MET WITH FOLKS WE KNEW THAT THERE WERE STILL CONCERNS ABOUT A POSSIBILITY OF PEOPLE DOING DRUGS AT THE ICE CREAM TRUCK. IF IT IS FOUND THAT YOU HAVE BEEN CONVICTED AGAINST ANY CRIME AGAINST A CHILD THEN YOU ARE AUTOMATICALLY DENIED A LICENSE. ONE THING THAT WE ADD ON THAT I WILL TOUCH ON LATER. IF YOU HAVE BEEN CONVICTED OF THEFT IN YOUR LIFE THEN YOU WILL BE DENIED A LICENSE. THIS CAME FROM A COUPLE OF PUBLIC OUTREACH MEETINGS WHERE PEOPLE SAID WELL, ALL WE ARE DOING IS LETTING STRANGERS IN OUR NEIGHBORHOOD. SO WE ADDED THAT EXCLUSION IN THERE. IF YOU HAVE BEEN CONVICTED OF BURGLARY RELATED OFFENSIVE THEN YOU ARE AUTOMATICALLY DENIED A LICENSE. WE HAD A COUPLE OF FOLKS ASK WHAT ABOUT ICE CREAM TRUCK DRIVERS THAT RECEIVED DUI, SHOULD THEY BE ALLOWED A LICENSE. ONCE YOU HAVE GONE THROUGH ALL THE PROCESS THAT YOU NEED TO GET YOUR LICENSE BACK THEN WE AGREE THEN YOU SHOULD PROBABLY BE ABLE TO DRIVE. IF THE STATE SAYS IT'S OKAY FOR YOU TO DRIVE WHO ARE WE TO SAY NO SO IT'S OKAY THERE.

THE ICE CREAM TRUCK DRIVER WILL REQUIRED TO HAVE A CITY BADGE JUST LIKE WE HAVE, IT WILL HAVE YOUR NAME AND FACE ON IT. WE KNEW THAT AFTER TALKING TO PARENTS THEY WOULD KNOW THAT THESE PEOPLE WERE LICENSED AND THEY CAN SEE THEIR FACE AND MAKE THAT CONNECTION SO WE ADDED THAT IN THERE. RESIDENTIAL STREETS ONLY, THIS ORDINANCE WOULD NOT ALLOW ICE CREAM TRUCKS TO BE IN COMMERCIAL AREAS, ONLY IN NON DIVIDED 25 MILE AN HOUR STREETS. ONLY YOU AND I KNOW TO BE TRULY RESIDENTIAL STREETS. THAT'S A LITTLE BIT QUICKER SO JUST WHAT YOU AND I KNOW TRULY TO BE RESIDENTIAL STREETS. NO ON-SITE PREPARATION OF FOOD. WE ARE NOT TALKING ABOUT TACO TRUCKS OR DIFFERENT KIND OF FOOD TRUCKS, JUST ICE CREAM TRUCKS. THE WAY THAT WE DEFINED THAT WITH JACK'S HELP AND BRUCE'S HELP, ALL THE STUFF YOU SELL HAS TO BE PACKAGED AND NOTHING CAN BE MADE AT HOME. IF YOU ARE DEEP FRYING HOT DOG, THAT DOES NOT WORK. STUFF HAS TO BE PREPACKAGED AND NOTHING CAN BE SOLD HOT. SO WE DEFINE IT IN A WAY THAT IT'S REALLY ONLY CARS OR TRUCKS WITH AN ENGINE AND FOUR WHEELS AND WE DEFINED IT THE BEST WAY WE COULD.

[Time: 00:38:37]

SOME OTHER HIGHLIGHTS. NOT WITHIN 600 FEET OF A SCHOOL. AFTER HEARING FROM SOME FOLKS AND CONSULTATION WITH OUR PARKS AND SOME OTHER DEPARTMENTS, WE DECIDED THAT THERE WAS NO NEED TO HAVE AN ICE CREAM TRUCK NEAR A SCHOOL. WE UPDATED THIS AFTER THE LAST NEIGHBORHOOD ADVISORY COMMISSION MEETING, THEY WANTED US TO CHANGE IT TO SAY NOT WITHIN 600 FEET OF A SCHOOL WHEN SCHOOL IS IN SESSION. SO WE ADDED THAT IN THERE. INSURANCE REQUIREMENT, THIS IS A BIG ONE. WE HAVE A PRETTY EXTENSIVE REQUIREMENT FOR INSURANCE. JACK CAN ANSWER THE QUESTIONS IF YOU HAVE THEM BUT I WILL RUN THROUGH IT REALLY QUICK. OWNERS WILL BE REQUIRED TO HAVE INSURANCE OF A MILLION DOLLARS. SO IT'S PRETTY EXTENSIVE BUT IT'S CONSISTENT WITH OTHER BUSINESS LICENSES THAT WE GRANT. OTHER ONES WATCH FOR CHILDREN SIGNS, YOU HAVE TO HAVE WIDE ANGLE MIRRORS THAT ALLOW YOU TO SEE IN FRONT OF THE VEHICLE AND AROUND SO YOU WILL HAVE COMPLETE AWARENESS OF YOUR VEHICLE. SO LET'S SAY JP'S ICE CREAM IS NOW, I'VE PASSED MY BACKGROUND CHECK AND I HAVE MY 001 TAX AND LICENSE NUMBER ON THE CAR AND IT HAS TO BE IN 3 INCHES IN HEIGHT AND ALONG WITH THE TAX AND LICENSE NUMBER. SO YOU CAN CALL TAX AND LICENSE AND SAY HEY, JP'S ICE CREAM, THEY HAVE BEEN HERE LONGER THAN THEY SHOULD. YOU ARE IN VIOLATION OF THE ORDINANCE YOU NEED TO LEAVE. WE CAN ALSO ISSUE A FOR CITATION FOR THAT AND THEY'D BE IN JEOPARDY OF LOSING THEIR LICENSE. IF THERE ARE PROBLEMS THEN PEOPLE CAN OBVIOUSLY CALL TAX AND LICENSE AS QUICKLY AS POSSIBLE. IF THERE IS ICE CREAM TRUCKS HITTING TRASH CANS I THINK THAT'S WHEN PEOPLE CALL THE POLICE. WHEN THEY STOP THE ICE CREAM TRUCK OPERATOR HAS TO TURN OFF THE MUSIC AND TURN ON THE HAZARD LIGHTS. THIS IS THE WAY TO ALERT OTHER CARS DRIVING DOWN THAT THERE IS SOMETHING GOING ON. DRIVER'S CELL PHONE NUMBERS ON FILE. THIS IS A RESULT OF SOME OF THE PARENTS THAT WE SPOKE WITH. IF WE HAVE AN OPERATOR AND WE NEED TO GET IN TOUCH OF WITH THEM, HOW IS THE CITY SUPPOSE TO DO THAT. ALL DRIVERS MUST HAVE A CURRENT PHONE NUMBER ON FILE TO THEM TO SEE. THIS LAST PAGE IS A HIGHLIGHT OF THE UPDATE OF THE ORDINANCE. THE FIRST DRAFT HAS A ONE HOUR TIME. SO WE PUT RESTRICTIONS ON IT NO ICE CREME CREAM TRUCK TO RETURN IN THE SAME NEIGHBORHOOD.

THIS BACKGROUND CHECK IS ALSO NOT ONLY FOR THE TRUCK OWNER. IF I AM IN MY OWN TRUCK AND I AM NOT THE ONE DRIVING IT, I HAVE TO GO THROUGH A CRIMINAL BACKGROUND CHECK AND SO HAS THE DRIVER. THE NEIGHBORHOOD ADVISORY COMMISSION AS WELL AS THE OTHER MEMBERS OF THE COMMUNITY WANTED US THE ICE CREAM TRUCK PROVIDE REASONABLE ACCOMMODATION FOR FOLKS TO THROW OUT THEIR POPSICLE STICKS. LICENSE FEE OF \$250;THE FIRST DRAFT HAD \$50. WE NEEDED TO INCREASE IT AFTER TALKING TO THE PUBLIC SO WE AGREED ON \$250. NO CHILDREN ALLOWED ON THE VEHICLE AT ALL TIMES. THIS IS A NO BRAINER THAT WE DID NOT THINK OF. LET'S MAKE SURE THAT NO KIDS AT ALL TIME OR ANY TIME ARE ALLOWED INSIDE THE VEHICLE. THE MOST SIGNIFICANT ONE THAT WE ADOPTED WHICH IS ROUTE REGISTRATION. WE KEPT ON HEARING NARRATIVE ON FOLKS WHERE WE ARE ALLOWING STRANGERS IN THE NEIGHBORHOOD. SO KNOWING THAT WE ALREADY HAVE THIS REGULATION TO HAVE CELL PHONES FOR THE DRIVERS ON FILE, WE SUGGESTED THAT MAYBE ROUTE REGISTRATION WOULD BE A GOOD IDEA SO WE ADDED THAT TO THE ORDINANCE. WHAT THIS DOES IS LET'S SAY YOU ARE IN THE NEIGHBORHOOD AND A HOUSE HAS BEEN ROBBED AND YOU HAVE A REASONABLE EXPECTATION IT'S AN ICE CREAM TRUCK FOR WHATEVER REASON. YOU CAN TELL THE POLICE OFFICER THAT RESPONDS THAT I'M PRETTY SURE JP'S ICE CREAM WAS IN HERE DURING THESE TIMES OR I'M PRETTY SURE I SAW AN ICE CREAM TRUCK. THE POLICE CAN NOW CALL TAX AND LICENSE AND SAY I WAS ON THIS STREET, PEOPLE SAY THERE WAS AN ICE

CREAM TRUCK, DO YOU KNOW IF THERE WAS. TAX AND LICENSE WILL BE ABLE TO LOOK UP QUICKLY AND SAY YES, JP'S ICE CREAM HAS A ROUTE REGISTERED ON THIS STREET IN THAT NEIGHBORHOOD ON THAT DAY. HERE'S THE DRIVER'S PHONE NUMBER WHO IS THERE IN THAT NEIGHBORHOOD AT THAT TIME.

SO THAT WAS THE THOUGHT BEHIND THAT. OBVIOUSLY, THERE IS SOME MORE STUFF, I KNOW WE HAVE THE PUBLIC COMMENT HERE. THOSE WERE THE HIGHLIGHTS. WITH YOUR PERMISSION, I'D LIKE TO INVITE LEO UP IF THAT'S OKAY TO LET HIM GIVE A COUPLE WORDS.

Mayor Lane: YES, GO AHEAD AND HAVE LEO COME ON UP. THANK YOU FOR THE PRESENTATION.

[Time: 00:45:29]

Leo Blavin: I'M AN 18-YEAR-OLD SENIOR FROM ARCADIA HIGH SCHOOL AND A PROUD RESIDENT OF THE CITY OF SCOTTSDALE. ABOUT TWO YEARS AGO WITH THE HELP OF MY FATHER I PURCHASED AN ICE CREAM TRUCK AND STARTED MY OWN BUSINESS CALLED LEO'S ICE CREAM. IN UNDER TWO YEARS I CAN SAY THAT I PAID MY DAD BACK FOR THE BUSINESS. MOBILE FOOD VENDOR PERMITS WERE NOT AVAILABLE IN MY HOMETOWN OF SCOTTSDALE. AFTER DOING SOME RESEARCH I FOUND OUT IN THE 1970S ICE CREAM TRUCKS WERE BANNED IN THE CITY. I WROTE MAYOR LANE WRITING THAT SOMETHING BE DONE TO ONCE AGAIN ALLOW ICE CREAM TRUCKS TO SERVE THE CITIZENS OF THE MOST LIVABLE CITY. HE WAS VERY RECEPTIVE FROM THE VERY BEGINNING AND HAS CONTINUED TO BE SUPPORTIVE THROUGHOUT THE ENTIRE PROCESS IN ORDER TO HELP ONCE AGAIN LEGALIZE ICE CREAM TRUCKS IN THE CITY OF SCOTTSDALE. AFTER ALMOST TWO YEARS OF HARD WORK I STAND IN FRONT OF YOU, THE LEADERS OF OUR GREAT CITY WITH THE OPPORTUNITY TO THIS FUN AND POPULAR SERVICE BACK TO SCOTTSDALE. THE ORDINANCE ENCOURAGES SMALL BUSINESS WHILE AT THE SAME TIME BRINGING BACK AN EXPERIENCE TO THE CHILDREN OF SCOTTSDALE. THE ORDINANCE EMBODIES SO MANY SAFEGUARDS OF THE BUSINESS THAT IT WILL BE AMONG THE MOST HIGHLY REGULATED IN SCOTTSDALE. MAYOR LANE, J.P. Twist AND ASSISTANT CITY ATTORNEY JACK SHAFER HAVE WORKED DILIGENTLY OVER THE LAST 18 MONTHS TO ASSURE THAT ICE CREAM TRUCKS WILL OPERATE SAFELY. AS I CONCLUDE MY REMARKS I'D LIKE TO SHARE WITH YOU MY EXPERIENCE OF THE PAST 18 MONTHS AS AN ICE CREAM MAN. KIDS AND ADULTS WHO ARE YOUNG AT HEART UNIVERSALLY LOVE OUR SERVICE. LAST BUT MOST IMPORTANTLY IS THE CHILDREN OF SCOTTSDALE FROM AGES 1 THROUGH 101. AND, WE HAVE COLLECTED OVER 280 SIGNATURES IN SUPPORT OF THIS.

Mayor Lane: THANK YOU MR. BLAVIN. WE DO HAVE A NUMBER OF PEOPLE REQUESTING TO SPEAK. I WOULD ASK YOU USE YOUR TIME EFFECTIVELY AND IF YOU DON'T NEED THE ENTIRE MINUTE, CERTAINLY PASS IT ONTO THE NEXT. IN ANY CASE, WE DO HAVE 20 AND WE'LL START WITH JAMES EKINS FOLLOWED BY JOSE ITARRI.

[Time: 00:48:47]

James Ekens: I RISE IN OPPOSITION AS YOU CAN SEE I AM NOT WEARING GREEN TO THE PROPOSED ORDINANCE. I AM NOT GOING TO ADDRESS THE REST OF THE ORDINANCE OF DRUG DEALING. THE ORDINANCE ATTEMPTS TO DEAL WITH THAT, I AM NOT GOING TO TALK ABOUT NEIGHBORHOODS. THE ORDINANCE SEEMS TO TALK ABOUT THAT. I AM NOT GOING TO TALK ABOUT THE NUISANCE

SOME ADULTS MAY HAVE WITH THE JINGLE JANGLE WITH THE TRUCK GOING ON. I AM GOING TO FOCUS ON ONE THING IS SAFETY. IF YOU PASS THIS ORDINANCE TONIGHT IT WOULD LEAD TO THE DEATH OR SERIOUS PHYSICAL INJURIES OF A CHILD. IF ANYONE HERE DOUBTS ME, PLEASE READ THE ARTICLE PUBLISHED INSIDE THE JOURNAL OF PEDIATRIC ORTHOPEDICS VOLUME 18 #1. A FEW EXERPTS FROM THAT ARTICLE AGE 4, RAN BETWEEN TWO PARKED CARS, DAMAGED A FEMUR AND BLUNT ABDOMINAL TRAUMA. I AM NOT A PHYSICIAN SO I DON'T THINK I CAN TELL YOU THE DETAILS OF EXTEND OF DAMAGES, MASSIVE HEAD AND INTERNAL INJURIES. THE CHILD DIED.

I WISH WHEN I WAS A SCOUT MASTER I HAD LEO TEACHING CIVIC RESPONSIBILITY IN PUBLIC SPEAKING. I THINK IT'S GREAT HE EMBRACES THE DEMOCRATIC PROCESS. IN THIS COUNTRY WE RESERVE LAWS AFTER NAMES OF CHILDREN WHO OFTEN HAVE GIVEN THEIR LIVES BUT AS A RESULT OF THAT WE HAVE LAWS TO PROTECT CHILDREN.

Mayor Lane: MR. EKIN.

James Ekins: EVERYONE KNOWS WE HAVE AMBER'S LAW AND MEGAN'S LAW HERE IN ARIZONA. WE HAVE LAWS WELL SHANNON'S LAW, WHAT YOU ARE DOING TONIGHT WILL SERVE THE OPPOSITE.

Mayor Lane: THANK YOU, MISTER EKINS. JOSÉ ITARRI, BELIEVE THAT'S CORRECT. THEN KATHY KIRSCH.

Kathy Kirsch: I'M KATHY KIRSCH AND I JUST WANT TO MAKE A BRIEF STATEMENT. I WOULD BE THE HIRED DRIVER ON LEO'S VAN FOR MOST OF HER WORK. I HAVE HAD A BACKGROUND CHECK FOR THE CITY OF PHOENIX AND IT WILL BE DONE AGAIN FOR THE CITY OF SCOTTSDALE ACCORDING TO ALL OF THE SAFETY REQUIREMENTS THAT YOU GUYS HAVE. I THINK IT'S IMPORTANT TO THAT WE WOULD ONLY BE DRIVING IN THE VERY RESIDENETIAL AREAS AND DRIVING SLOWLY, BECAUSE OUR MUSIC IS ON. OTHER CARS ARE ALSO AWARE THAT THERE ARE CHILDREN THAT MIGHT BE COMING INTO THE AREA . THAT MAKES THEM ALERT AND IT ALSO MAKES US ALERT WHILE WE ARE DRIVING. I HAD TWO FRIENDS THAT HAD TO LEAVE. THEY SAID THEY WANTED TO POINT OUT THAT THEY WOULD VERY MUCH WELCOME AN ICE CREAM TRUCK IN THEIR NEIGHBORHOODS BECAUSE IT WOULD BE FINALLY SOMETHING REALLY WHOLESOME THAT THEIR KIDS COULD GO OUT AND SEE AND BE A PART OF INSTEAD OF THE BARS AND GUNSHOTS AND STORES AND THEY ALSO WANT TO ENCOURAGE THE ENTREPRENEURIAL SPIRIT OF THESE TEENS THAT HAVE TAKEN ON LEO'S ICE CREAM.

Mayor Lane: THANK YOU MS. KIRSCH. DID I UNDERSTAND THAT JOSÉ ATARI HAS LEFT? OKAY, THANK YOU. NEXT WOULD BE MARY HARDEN.

[Time: 00:55:00]

Mary Harden: GOOD EVENING MAYOR AND COUNCIL MEMBERS. I'M A RESIDENT AND A REGISTERED NURSE AND I AM HERE TO SPEAK AGAINST THE ICE CREAM TRUCKS AND THESE ARE THE MOST PRECIOUS REASONS WHY. SAN DIEGO JUNE 1990, WHEN SHE RAN ACROSS THE STREET FROM BUYING ICE CREAM SHE WAS HIT BY A MAN AND INJURED, THE VAN HIT THE CHILD AND AS A RESULT HER LEG HAD TO BE AMPUTATED. JANUARY 8TH, 1991, A BOY WHO WAS STRUCK BY THEIR CAR LAST WEEK AFTER HE RAN FROM BEHIND AN ICE CREAM TRUCK DIED. JUAN MALDONADO WAS 13 YEARS OLD. ILLINOIS, JULY TWENTY-SECOND, 1993 THE PAINFUL IRONIES AT A SUMMER TRAGEDY UNFOLDED AT A

SUMMER BOARD MEETING. A CAR DRIVER EXITED AND HIT AND KILLED A FOUR YEAR OLD BOY. THE CHILD RAN AROUND THE SIDE OF THE TRUCK AND WAS HIT AS HE CIRCLED BACK AND RAN INTO THE STREET. 1994, PANORAMA CITY CALIFORNIA, A 7-YEAR-OLD BOY WAS STRUCK AND KILLED SUNDAY IN HIT AND RUN DRIVER AS HIS SISTER BOLTED ACROSS THE STREET TO REACH AN ICE CREAM TRUCK. ANCHORAGE ALASKA, 1998, ON A WARM AFTERNOON 7-YEAR-OLD REACTED LIKE GENERATIONS OF AMERICAN CHILDREN TO THAT SIREN SONG OF SUMMER, THE ICE CREAM TRUCK. SHE TORE ACROSS THE STREET IN HER NEIGHBORHOOD, AND THEN EXCITEDLY DARTED TOWARD HOME. AN INCOMING PICKUP TRUCK TRIED TO SWERVE OUT OF THE WAY BUT HIT HER AND SHE WAS KILLED. IT WAS A TRAGIC ACCIDENT THAT NOT A FREQUENT. WHILE THERE ARE NO NATIONAL STATISTICS EVERY YEAR CHILDREN ARE HURT AND KILLED IN INCIDENTS INVOLVING ICE CREAM TRUCKS. DECEMBER 21, 2006, CELEBRATED HER FIRST BIRTHDAY OF AUGUST 3RD OF THAT YEAR WAS KILLED WEDNESDAY EVENING AFTER ICE CREAM TRUCKS TIRES RAN OVER HER TWO TIMES. MARCH 13, 2009, CALIFORNIA, DIANE MORALES, A 1-YEAR-OLD GIRL DIED IN A PEDESTRIAN ACCIDENT AFTER SHE WAS STRUCK BY AN ICE CREAM TRUCK ON HER FIRST BIRTHDAY. ST. LOUIS MISSOURI, MAY, 2010, A SIX-YEAR-OLD WAS RUNNING TOWARD AN ICE CREAM TRUCK. THE CHILD HAS A HEAD INJURY, CUTS AND BRUISES. JUNE 25TH, 2010, DETROIT MICHIGAN, A TRAGIC ACCIDENT ENDED WITH THE DEATH OF ANY GIRL. WITNESSES SAY THE CHILD WAS RIDING HER BIKE TRYING TO CATCH THE ICE CREAM TRUCK WHEN SHE WAS HIT AND KILLED BY A LARGE GMC VAN. CONNECTICUT, AUGUST 30TH, 2010, AN 8-YEAR-OLD BOY WAS STRUCK BY A VEHICLE AFTER ORDERING FROM AN ICE CREAM TRUCK. HE WAS TRANSPORTED TO THE HOSPITAL FOR TREATMENT FOR LEG AND HEAD INJURIES. DECATUR, GEORGIA, OCTOBER 26, 2011, ICE CREAM TRUCKS BEGIN WITH THEIR HAPPY TUNE AND SWEET STREETS AS THEY MOVE DOWN RESIDENTIAL STREETS. DECATUR MAN WAS DRIVING AN ICE CREAM TRUCK AND STOPPED IN FRONT OF AN APARTMENT BUILDING TO SELL STREETS. WHEN ICE CREAM TRUCK PULLED AWAY IT HIT TWO DIFFERENT BOYS 11 AND SEVEN. ONE CHILD WAS FATALLY INJURED. THE OTHER CHILD WAS TAKEN TO THE EMERGENCY ROOM.

Mayor Lane: IF YOU COULD WRAP IT UP WITH THE NUMBERS.

Mary Harden: I WOULD SAY, MAYOR AND CITY COUNCIL, I GET IT, IT'S NOT 1963, IT'S NOT 1970 AND IT'S A DIFFERENT WORLD THAT WE LIVE IN. SURELY IF YOU PASS THIS ORDINANCE THERE WILL BE A CHILD THAT WILL DIE. KIDS VERSUS CAR WINS EVERY TIME. DON'T DO IT.

Mayor Lane: THANKS, MS. HARDEN. NEXT, PHYLLIS WAZE, FOLLOWED BY JEFF SWENSON.

[Time: 00:59:00]

Phyllis Waze: GOOD EVENING AND THANK YOU ALL FOR COMING TO THIS. IT'S VERY IMPORTANT AND I DON'T MEAN ANY OFFENSE BUT WE ARE TALKING ABOUT MAYBE AN ICE CREAM TRUCK IN THE STATE OR THAT STATE AND IF YOU TAKE THOSE TOTAL NUMBERS AND YOU WANTED ADD UP WHEN YOU ARE SAYING THE WORD VEHICLE, NOT ICE CREAM TRUCK THEN YOU'RE GOING TO TALK ABOUT ACCIDENTS. MAYBE EVERYBODY SHOULDN'T BACK OUT OF THEIR DRIVEWAY BECAUSE HOW MANY CHILDREN HAVE BEEN HIT FOR BEING KILLED IN THEIR DRIVEWAY. BUT AN ICE CREAM TRUCK. THE ICE CREAM TRUCK STARTED YEARS AGO WITH AN ICE BLOCK AND TWO WHEELS AND THEN TO 4 WHEELS THEN TO SOMETHING THAT LOOKED LIKE COOLERS, THEN WENT TO THE GOOD HUMOR MAN, AND MY HUSBAND WAS ONE OF THEM AND YOU ARE TALKING ABOUT THE JOY ON THE CHILDREN'S FACES

WHEN ALL WE HEAR ABOUT TODAY IS FEARS FROM GUNS, FEARS FROM SCHOOL, FEARS FROM EVERYTHING, EVERY DAY THE INTERNET, TELEVISION, WARNINGS AND MORE WARNINGS. IS THIS WHAT WE WANT FOR THE CHILDREN OF TOMORROW? WHAT WE WANT FOR TOMORROW IS A SMILE. BRING FORTH A SMILE AND AN ICE CREAM TRUCK IS LIKE SUNSHINE EVERYDAY IN THE CHILD'S LIFE. ASK A CHILD AND THEY WILL TELL YOU. I WANT AN ICE CREAM. WITH THAT LIKE A TEDDY BEAR, A BALLOON, A GREAT THING AND WE NEED GOOD THINGS IN OUR LIFE AND WITH ALL THE LICENSING THAT THEY ARE PREPARED TO DO FOR THESE PEOPLE, YOU TELL ME HOW MANY VENDORS THAT YOU KNOW THE PLACES THAT YOU GO THAT YOU WOKE UP IN THE STREETS IN NEW YORK OR CHICAGO AND YOU BUY SOMETHING, YOU ARE BUYING THEIR HOT PRETZELS, YOU ARE BUYING THEIR NOTES IN YOUR DOING ALL OF THAT AND IT'S OKAY BECAUSE WHAT ABOUT TEACHING OUR KIDS ABOUT KINDNESS AND FAITH IN ANOTHER HUMAN BEING. PUT A SMILE ON THE FACE AND LET AN ICE CREAM TRUCK WHOSE PLAYING WHEELS ON THE BUS OR JINGLE BELLS THAT CHRISTMAS, THEY ARE SHOWING YOU EASTER BUNNY PICTURES FOR EASTER, GIVE IT A BREAK. WE ARE NOT TALKING ABOUT MURDER AND DEATH WE ARE TALKING ABOUT A SMILE. IF SOME OF US ARE TOO OLD TO REMEMBER THAT I'M SORRY, BECAUSE I AM NOT AND I HAVE SEVEN GRANDCHILDREN AND A GREAT-GRANDCHILD AND I AM NEVER GOING TO BE TOO OLD FOR ICE CREAM.

Mayor Lane: NO APPLAUSE AND NO BOOING.

[Time: 01:01:56]

Jeff Swenson: MY NAME IS JEFF SWENSON. THANK YOU FOR HAVING US. I'M QUITE INSPIRED HERE THIS AFTERNOON WATCHING ALL OF THIS BECAUSE I AM SURE THAT YOU HAVE MORE THAN ENOUGH COMPETENT STAFF AND CONSULTANTS TO FIGURE OUT ALL THE SAFETY ISSUES AND ADMINISTRATION ASSOCIATED WITH THIS ACTION. WHAT TO ME WAS SO INSPIRING IS AS ALL THESE YOUNG PEOPLE IN THE ROOM THAT HAVE THE ABILITY TO BE OUR FUTURE LEADERS FOR THE YEARS MOVING FORWARD. I STARTED MY OWN BUSINESS WHEN I WAS ABOUT THEIR AGE AND 34 YEARS AGO MOVED HERE TO SCOTTSDALE AND STARTED A BUSINESS RIGHT AFTER COLLEGE THAT ULTIMATELY GREW INTO A FAIRLY SIGNIFICANT COMPANY. IT IS JUST GREAT THAT THESE KIDS ARE ALL ABOUT CAPITALISM AND ENTREPRENEURIALISM IN BRINGING THE FUTURE BUSINESS LEADERS AND CIVIC LEADERS ALIKE. I AM VERY MUCH IN SUPPORT OF THEM. I THINK THIS IS A GREAT ENDEAVOR FOR THEM AND YOU NEVER KNOW, THAT ONE LITTLE PROJECT THAT WE DID HERE IN SCOTTSDALE, IT TURNED INTO ABOUT A \$300 MILLION VENTURE AN ENTERPRISE FOR THE CITY AND I TOOK A VERY ACTIVE LEADERSHIP ROLE IN IT AND YOU NEVER KNOW, OF THESE KIDS THAT ARE OUR FUTURE, WHO'S GOING TO STEP UP AND BE THAT TYPE OF LEADER IN THE FUTURE AND CREATE AN ENTERPRISE THAT SCOTTSDALE IS REALLY GOING TO WANT SOME DAY. DON'T RESTRICT THEM FROM THE OPPORTUNITY. GIVE THEM A CHANCE TO PROVE THEMSELVES AND MAKE IT A WINNER. THANK YOU VERY MUCH.

Mayor Lane: THANK YOU, MR. SWENSON. NEXT, IT'S CRAIG BEYTEBIERE.

[Time: 01:03:58]

Craig Beytebiere: GOOD EVENING. I'M HERE TO SPEAK IN FAVOR OF LEO'S LAW. MY WIFE AND I HAVE BEEN SCOTTSDALE HOMEOWNERS FOR OVER 20 YEARS. FIVE YEARS AGO WE RELOCATED TO

SCOTTSDALE FULL-TIME FROM WASHINGTON WHERE I SERVED AS A POLICE OFFICER FOR THE CITY THERE. I SPENT THE MAJORITY OF MY TIME WORKING THE STREET. HOWEVER, I SPENT FOUR YEARS ON OUR SWAT TEAM AND 24 MONTHS ON UNDERCOVER NARCOTICS. IT'S MY UNDERSTANDING THAT ONE OF THE REASONS SCOTTSDALE BANNED ICE CREAM TRUCKS IS THE THOUGHT OF HAVING VENDORS IN NEIGHBORHOODS THAT WOULD SUPPORT CRIMINAL ACTIVITY. AND MY EXPERIENCE IN 24 MONTHS OF UNDERCOVER WORK THAT THIS SIMPLY WASN'T THE CASE. I NEVER HAD AN OPPORTUNITY TO INVESTIGATE AN ICE CREAM VENDOR OR ARREST AN ICE CREAM VENDOR FOR ANY NARCOTICS ACTIVITY OR ANY CRIMINAL ACTIVITY WHATSOEVER. IN ALL MY MONTHS OF WORKING THE STREET, ALL MY YEARS OF WORKING THE STREET, I NEVER HAD TO WRITE N ICE CREAM VENDOR A TRAFFIC CITATION. THEY WERE SIMPLY HARD-WORKING PEOPLE PROVIDING SERVICE TO THE COMMUNITY. A SERVICE THAT I THINK IF GIVEN THE OPPORTUNITY SCOTTSDALE RESIDENTS WILL TAKE FULL ADVANTAGE OF. ONE THING I HOPE DOES NOT GET LOST IN ALL OF THIS IS THE YOUNG MAN THAT BROUGHT THIS WHOLE THING ABOUT. LEO BLAVIN. I THINK HE HAS TRULY SHOWN A LOT OF INITIATIVE. HE IS ASKING FOR NOTHING MORE THAN THE OPPORTUNITY TO START HIS OWN BUSINESS AND GO TO WORK EVERY DAY. REALLY HOPE YOU REWARD HIS INITIATIVE AND VOTE YES. THANK YOU FOR YOUR TIME. THANK YOU.

Mayor Lane: NEXT IS YVETTE ANSEL

[Time: 01:06:17]

Yvette Ansel: GOOD EVENING. I LIVE IN NORTH SCOTTSDALE AND I AM ALSO FAMILY LAW ATTORNEY WHO WORKS IN NORTH SCOTTSDALE. I WAS ACTUALLY AT THE COURT OF APPEALS THIS MORNING ARGUING IN CONNECTION WITH A FAMILY LAW CASE AND WHAT WE DO AS FAMILY LAW ATTORNEYS IS LOOK OUT FOR THE BEST INTERESTS OF CHILDREN. THE WAY WE DO THAT IN THE WAY THE COURTS DO THAT IS YOU TAKE A BALANCE OF ALL THE INTERESTS. WHAT I HEAR FROM THE OPPOSITION HERE TONIGHT IS DO NOT PASS LEO'S LAW BECAUSE IF YOU DO SOME CHILDREN CAN GET HURT. THE FACT IS YOU'VE GOT WATER PARKS, CLEARLY KIDS GET HURT FROM WATER PARKS, BUT WATER PARKS ARE NOT BANNED, THERE PRECAUTIONS THAT ARE IN PLACE. YOU HAVE POOLS, BUT THOSE ARE NOT BANNED. ALSO THERE ARE PRECAUTIONS PUT IN PLACE. WITH LEO'S LAW THERE ARE SIGNIFICANT PRECAUTIONS THAT ARE PUT IN PLACE. THIS IS A GOOD THING. ICE CREAM TRUCKS AND THE BELLS OF THE ICE CREAM TRUCK, THOSE ARE HAPPY THINGS FOR CHILDREN. THERE ARE PRECAUTIONS THAT ARE PUT IN PLACE THAT ARE SUFFICIENT AND SO LEO'S LAW SHOULD CERTAINLY BE PASSED.

Mayor Lane: THANK YOU. NEXT IS RICK KIDDER. FOLLOWED BY ALISON GROVE.

[Time: 01:08:00]

Rick Kidder: GOOD EVENING. I AM PRESIDENT AND CEO OF THE SCOTTSDALE CHAMBER OF COMMERCE AND A RESIDENT. A YOUNG ENTREPRENEUR THAT DISCOVERED HE COULD NOT EXECUTE HIS BUSINESS PLAN IN A CITY WELL KNOWN AS A HOTBED OF BUSINESS ENERGY AND INITIATIVE. MY APPEARANCE BEFORE YOU THIS EVENING HAS LESS TO DO WITH ICE CREAM ALTHOUGH I CAN NEVER ARGUE AGAINST SUCH A TASTY TREAT AND MORE TO DO WITH THE SYMBOLISM OF THE ORDINANCE ITSELF. IS SCOTTSDALE OPEN FOR BUSINESS OR IS IT NOT. IF IT IS INDEED OPEN FOR BUSINESS THEN I WOULD ASK YOU TO ENACT THIS ORDINANCE THIS EVENING. IT IS MORE RESTRICTED AND REGULATED

THAN THE CHAMBER WOULD LIKE. THEY UNDERSTAND THAT A CHANGE OF THIS NATURE REQUIRES THAT THE COMMUNITY FEELS COMFORTABLE AND THAT THEY ARE ADEQUATELY PROTECTED. MOST OF US GREW UP EXCITED AT THE SOUND OF THE ICE CREAM TRUCK ENTERING OUR NEIGHBORHOODS AND IN MY CASE IT WAS GREATER MOTIVATION TO DO MY CHORES. SO IN THE WORDS OF MY YOUTH I SCREAM, YOU SCREAM, WE ALL SCREAM FOR ICE CREAM.

Mayor Lane: THANK YOU, MR. KIDDER. NEXT WOULD BE ALISON GROVE. FOLLOWED BY LAURIE RUMMEL. ALISON GROVE IS NO LONGER HERE. LAURIE RUMMEL HAS LEFT. PAUL BLAVIN.

[Time: 01:09:57]

Paul Blavin: THANK YOU COUNCIL MEMBERS FOR THE OPPORTUNITY TO ADDRESS YOU THIS EVENING. MY NAME IS PAUL BLAVIN. I HAVE BEEN A RESIDENT FOR CLOSE TO 16 YEARS AND I AM ALSO THE PROUD FATHER OF LEO BLAVIN WHO WROTE TO THE MAYOR 18 MONTHS AGO QUESTIONING THE REASONING BEHIND ICE CREAM TRUCKS BEING BANNED IN SCOTTSDALE. NOT ONLY IS LEO A SUCCESSFUL ENTREPRENEUR HE HAS WORKED HARD AND PERSISTENTLY TO BRING THIS ISSUE TO THIS VOTE TODAY THAT I ALSO TO THANK MAYOR LANE, JP TWIST AND JACK SHAFER WHO HAS BEEN VERY PERSISTENT AND THOUGHTFUL IN CRAFTING THIS ORDINANCE TO MEET THE MANY CONCERNS VOICED BY THE VAST MAJORITY OF THOSE WHO HAVE HAD INPUT INTO THIS PROCESS. THE ORDINANCE THAT IS BEING PROPOSED TO LEGALIZE ICE CREAM TRUCKS IN SCOTTSDALE WILL MAKE THIS BUSINESS AMONG THE MOST HIGHLY REGULATED IN SCOTTSDALE INCLUDING CRIMINAL BACKGROUND CHECKS, WITH PROHIBITIONS FOR CONVICTED BURGLARS, DRUG DEALERS, DRUNK DRIVERS. ALL DRIVERS WILL BE FINGERPRINTED . THERE WILL BE A HIGH LICENSING FEE TO KEEP OUT ALL BUT THE MOST PROFESSIONAL OPERATORS. ALL NEIGHBORHOOD ROUTES ARE TO BE REGISTERED WITH THE CITY PRIOR TO ENTERING ANY NEIGHBORHOOD. OPERATORS WILL NEED TO PASS MARICOPA COUNTY'S HEALTH INSPECTION AND BE INSURED FOR \$2 MILLION OF COMMERCIAL GENERAL LIABILITY COVERAGE. TRUST ME. THE NEWSPAPER DELIVERY, LAWN MAINTENANCE, PEST CONTROL, CREW CLEANERS, HOME REPAIR MAN, AND NUMEROUS OTHER BUSINESS OPERATORS THAT DRIVE THROUGH OUR NEIGHBORHOODS DAILY, DO NOT HAVE ANYWHERE NEAR THE ACCOUNTABILITY OR INVESTMENT IN THE BUSINESS THAT THE ICE CREAM MAN WILL HAVE. ICE CREAM TRUCKS OPERATE VIRTUALLY INCIDENT FREE NATIONWIDE THROUGHOUT OUR COUNTRY. SCOTTSDALE WILL HAVE AMONG THE MOST HIGHLY REGULATED OPERATORS IN THE USA. THE LAST THING AMERICAN NEEDS RIGHT NOW ARE OUTDATED AMERICAN REGULATIONS THAT IMPEDE FREE ENTERPRISE. FOR HONEST HARD-WORKING AND THE VIGILANT AN ICE CREAM TRUCK REPRESENTS AN OPPORTUNITY TO GET AHEAD AND PURSUE THE AMERICAN DREAM. DOES EVERY PROFESSIONAL NOW NEED TO WORK FOR WALMART OR STARBUCKS? LET THOSE HARD-WORKING OR AMBITIOUS FEW THAT WANT TO SELL ICE CREAM SELL IT. THEY WILL NEED TO INVEST THEIR OWN CAPITAL AND BASED ON OUR EXPERIENCE IT WILL TAKE A MINIMUM OF 10,000 TO \$20,000 DOLLARS. YOU WILL NEED TO PUT A LOT INTO SELLING ICE CREAM. IT TOOK US ALMOST SIX MONTHS TO GET UP AND RUNNING. LET THOSE WHO HAVE THE COMMITMENT TO JUMP THROUGH THE ALWAYS REGULATORY HOOPS TO PURSUE THEIR DREAM. THAT IS THE QUINTESSENTIAL AMERICAN WAY. IF CERTAINLY NEIGHBORHOODS IN SCOTTSDALE DECIDE AFTER THIS ORDINANCE IS IN EFFECT IT THAT THEY PREFER TO BUY THEIR ICE CREAM ELSEWHERE AND DON'T WANT TO HEAR IT'S A SMALL WORLD JINGLING BY THEIR HOMES, THEN THE ICE CREAM TRUCKS WILL GO ELSEWHERE . THAT'S THE BEAUTY OF THE MOBILE BUSINESS. WE ONLY GO WHERE PEOPLE WANT US. WE ONLY FREQUENT NEIGHBORHOODS

WHERE WE WELCOME THE SMILES, JOY, AND OPEN POCKETBOOKS. AND BASED ON OUR 18 MONTH IN THE BUSINESS, THERE ARE MANY, MANY NEIGHBORHOODS THAT LOVE THE ICE CREAM MAN. IF WE ARE EVER GRANTED THE PRIVILEGE OF NEW BUSINESS IN SCOTTSDALE NONE OF US HARD- WORKING BUSINESSMEN HAVE ANY INTEREST IN DRIVING AROUND NEIGHBORHOODS THAT DO NOT EMBRACE OUR SERVICE. WE CANNOT MAKE A LIVING DOING THAT. THOSE OPPOSED TO SUCH AN ALL-AMERICAN WHOLESOME BUSINESS AS AN ICE CREAM TRUCK ARE CREATING A MOUNTAIN OF FEAR OF NOTHING. THE ICE CREAM MAN IS NOT TO BE FEARED. IF PERMITTED TO OPERATE IN SCOTTSDALE; THE OPERATORS WILL BE HIGHLY PROFESSIONAL AND AN ASSET TO OUR NEIGHBORHOODS. YOU, YOUR CHILDREN, AND YOUR GRANDCHILDREN WILL ONCE AGAIN EXPERIENCE THE JOY OF WAVING DOWN THE ICE CREAM MAN AND ENJOYING ICE CREAM ON A SUNNY SCOTTSDALE DAY. THOSE ARE FOND MEMORIES FROM MY CHILDHOOD AND I AM GRATEFUL TO THE CITY COUNCIL FOR CONSIDERING BRINGING THIS WONDERFUL TREAT BACK TO OUR WONDERFUL CITY. THANK YOU FOR YOUR CONSIDERATION.

Mayor Lane: THANK YOU. NEXT WILL BE GARY ANSEL.

[Time: 01:14:38]

Gary Ansel: GOOD EVENING AND I APPRECIATE THE OPPORTUNITY TO SPEAK. I AM THE FRIGHTENED MAN MARRIED TO THE DIVORCE ATTORNEY WHO SPOKE A FEW MINUTES AGO. I SHARE YOUR OPINION THAT THE LAW SHOULD BE PASSED NOT BECAUSE SHE'S A DIVORCE ATTORNEY BUT BECAUSE OF THE MERITS OF THE ISSUE. THERE ARE FOUR POINTS I WOULD LIKE TO MAKE. TWO DEAL WITH THE ARGUMENTS OF PEOPLE OPPOSING THE LAW. THE FIRST IS THAT THIS COULD BE AS SET UP FOR A CASING THE NEIGHBORHOOD OR DRUG DEALERS. WE HAVE HEARD FROM A POLICE OFFICER THAT THAT WAS NOT HIS EXPERIENCE. I'M NO MASTER THIEF, BUT IF I WERE GOING TO CASE A NEIGHBORHOOD I WOULD NOT SHOW UP IN A BRIGHTLY COLORED TRUCK WITH MUSIC ON IT. I THINK IT'S A MATTER OF COMMON SENSE. THAT KIND OF FEAR, LIKE ALL OF THOSE EXPRESSED ARE UNFOUNDED. THE SECOND FEAR EXPRESSED HIS CHILDREN WILL BE INJURED IF ICE CREAM TRUCKS ARE ALLOWED IN OUR NEIGHBORHOODS. IF THAT WERE THE BASIS FOR THIS COUNCIL TO PROHIBIT ICE CREAM TRUCKS, THIS OFF COUNCIL WOULD ALSO BE CONSIDERING BANNING CHILDREN FROM PLAYING WITH BALLS IN THE FRONT YARD BECAUSE I PROMISE YOU THE NUMBER OF CHILDREN WHO CHASE BALLS IN FRONT OF THE STREET ARE INJURED ARE VASTLY HIGHER THAN THE SMATTERING OF INFORMATION WE HEARD ABOUT. IN SUPPORT OF THIS LAW, THE REAL BASIS FOR MY SUPPORT IS FROM WHAT THIS COUNCIL HAS STRESSED AT THE OUTSET OF THE MEETING TONIGHT. THAT IS THE WORD COMMUNITY. I HEARD PROCLAMATIONS HONORING VOLUNTEERS AND DISPATCHERS, NOT BECAUSE OF THE CITY OR BEING PART OF THE CITY BUT BECAUSE THEY ARE PART OF A COMMUNITY AND THAT'S REALLY WHAT THIS LAW IS ABOUT. TWO BASES THAT WE CAN LOOK AT TO SHOW HOW THIS SUPPORTS COMMUNITY. ONE IS MR. BLAVIN AND I ARE FRIENDS AND WE GREW UP IN THE MIDWEST AND WE REMINISCED ABOUT HOW AS KIDS WE SPENT TIME IN OUR NEIGHBORHOODS PLAYING CATCH OR FOOTBALL AND THOSE KINDS OF NEIGHBORHOOD EXPERIENCES BOTH THE COMMUNITY THAT WE GREW UP WITH AND TOOK FRIENDS WITH US INTO OUR LIVES. PART OF BUILDING THAT COMMUNITY AND OUT INTO THE NEIGHBORHOOD AND JOINING WITH OUR NEIGHBORS, AND CALLING US FROM PLAY AND IT REALLY WAS ONE OF THOSE EVENTS THAT BROUGHT EVERYBODY TOGETHER. THE SECOND THING YOU NEED TO KNOW ABOUT COMMUNITY FOCUSES SPECIFICALLY ON LEO'S ICE CREAM BUSINESS. I DON'T KNOW IF ANY OF YOU HAVE BEEN TO THE

WEBSITE FOR LEO'S ICE CREAM. IT SUPPORTS THREE REALLY IMPORTANT CHARITIES. ONE IS THE NEW WAY ACADEMY, IT AIRS ONLY'S ONLY NONPROFIT K-12 SCHOOL FOR CHILDREN WITH LEARNING DISABILITIES. THE SECOND CHARITY IT SUPPORTS IS CHILDREN FIRST ACADEMY. IT IS A CHARTER SCHOOL. 100% OF THE STUDENTS THAT GO TO THAT SCHOOL LIVE BELOW THE POVERTY LEVEL, 40% OF THOSE KIDS TO GO TO TO THAT SCHOOL ARE HOMELESS. AND THIRD, ALTHOUGH NOT STRICTLY SUPPORTING CHILDREN, A HUGE INDIRECT SUPPORT, THE LOST OR HOMELESS FOUNDATION WHICH IS BEEN HELPING ABANDONED PETS OR PEOPLE THAT COULD NOT TAKE CARE OF DUE TO ECONOMIC CIRCUMSTANCES. THAT NOT ONLY IS THE PURPOSE OF THIS BUSINESS TO BRING COMMUNITIES TOGETHER BUT IT GIVES TO THE COMMUNITY AND IT SEEMS TO ME THAT THAT IS THE KIND OF THING THAT THIS COUNCIL STRESSES EVERY DAY IN ITS WORK. IT'S THE KIND OF THING YOU CAN SUPPORT HERE TODAY. THANK YOU.

Mayor Lane: THANK YOU, MR. ANSEL. NEXT IS SYDNEY KIRSCH. I'D LIKE TO SAY THAT SYDNEY IS THE CURRENT OWNER OF LEO'S ICE CREAM TRUCK. SHE IS A SOPHOMORE I BELIEVE AT ARCADIA HIGH SCHOOL. SINCE LEO SPENT THE LAST TWO YEARS COMPLETING HIGH SCHOOL AND IS OFF TO THE UNIVERSITY OF MICHIGAN WHICH I GAVE HIM SOME SENTIMENT OF SORROW FOR THE PREDICAMENT HE'S HAD THEIR BUT NEVERTHELESS WE CONGRATULATE HIM AS WELL. SYDNEY HAS PICKED UP THE BUSINESS AND IS TAKING IT AS HER OWN.

[Time: 01:18:59]

Sydney Kirsch: THANK YOU. I AM SYDNEY KIRSCH AND I'M ONE OF THE CURRENT OWNERS OF LEO'S ICE CREAM. JUST A LITTLE BACKGROUND. WE WERE INTERESTED IN BUYING THE TRUCK BECAUSE WE THOUGHT IT WOULD BE A GREAT LEARNING EXPERIENCE FOR ME TO LEARN HOW TO RUN MY OWN BUSINESS BEFORE I ACTUALLY GO TO COLLEGE AND IT'S ALSO A GREAT WAY TO SAVE MONEY FOR COLLEGE. I'M HERE TODAY BECAUSE I KNOW THERE ARE A FEW PEOPLE IN SCOTTSDALE WHO ARE WORRIED ABOUT THE SAFETY OF OUR ICE CREAM TRUCKS AND I WANT TO SHOW YOU ALL THAT WE ARE NO DANGER TO CHILDREN, WE HAVE A LOT OF SAFETY PRECAUTIONS ON OUR TRUCK. FOR EXAMPLE, WE HAVE FIVE MIRRORS, WE ALWAYS HAVE AT LEAST TWO PEOPLE IN THE TRUCK WATCHING FOR CHILDREN, WE HAVE BACKUP CAMERAS OF THAT WHEN WE BACKUP WE CAN SEE THE CHILDREN AND WE HAVE SIGNED ALL OF THE TRUCK THAT SAYS WATCH FOR CHILDREN SO THAT WHEN WE ARE STOPPED CARS WILL SEE THERE ARE CHILDREN AROUND. WHEN WE WERE GETTING SIGNATURES FOR THIS LAW, WE RAN AROUND THE NEIGHBORHOOD AND GOT A LOT OF SIGNATURES AND WE WOULD GO UP TO THEM AND TELL THEM A LITTLE BIT ABOUT WHAT WE WERE ABOUT AND WE WOULD ASK THEM TO SIGN A PETITION AND EVERYBODY WAS REALLY ENTHUSIASTIC ABOUT SIGNING THE PETITION . THEY ALL SHARED THE MEMORIES WHEN THEY WERE KIDS AND HAD A FUN STORY TO SHARE. IT WOULD BE REALLY AWESOME FOR THE CHILDREN IN SCOTTSDALE TO BE ABLE TO HAVE THESE MEMORIES AS WELL. ANOTHER THING IS THAT MY FAMILY AND I LIVE ON THE BORDER OF PHOENIX AND SCOTTSDALE. WHEN WE ARE RUNNING OUR ICE CREAM ROUTE, WE HAVE TO STOP AT THE BORDER AND TURNAROUND AND YOU CAN SEE THE KIDS IN SCOTTSDALE WATCH THE TRUCK DRIVE AWAY. IT WOULD REALLY BE GREAT TO GO INTO SCOTTSDALE TO PROVIDE THE KIDS WITH ICE CREAM THAT THEY REALLY LIKE. I REALLY ENJOY WORKING IN LEO'S ICE CREAM TRUCK. I ENJOY SUPPLYING PHOENIX WITH ICE CREAM AND I HOPE TO BE ABLE TO CROSS THAT BORDER AND SUPPLY THE CHILDREN WITH THE SAME MEMORIES. THANK YOU ALL AND I HOPE YOU WILL SUPPORT LEO'S LAW.

Mayor Lane: THANK YOU, MS. KIRSCH. NEXT WOULD BE RANDY KIRSCH.

[Time: 01:21:34]

Randy Kirsch: I AM RANDY KIRSCH AND I AM THE FATHER OF SYDNEY AND KEVIN KIRSCH WHO HAVE RECENTLY BOUGHT THE ICE CREAM TRUCK FROM LEO SINCE LEO IS HEADED OFF TO COLLEGE. THEY USED THEIR HARD-EARNED MONEY FROM BABYSITTING AND BAR MITZVAHS AND BORROWING FROM THEIR GRANDFATHER AND BRINGING HIM IN AS A PARTNER TO BUY THE TRUCK. ONE OF THE THINGS I WAS SO EXCITED ABOUT WAS FOR THEM TO LEARN ABOUT BUSINESS AND HOW EVERYTHING WORKS. IT IS SO COOL WHEN PEOPLE CALL SYDNEY ON HER LUNCH BREAK AT ARCADIA OR AFTER SCHOOL HAS TO CALL BACK THESE COMPANIES AND NEGOTIATE WITH ADULTS AND SPEAK WITH THEM TO SEND THEM CONTRACTS THAT WE MAKE UP WHEN THEY HAVE AN EVENT AND TO RESTOCK THE INVENTORIES BUT A GREAT, GREAT LEARNING EXPERIENCE AND I AM VERY PROUD OF THEM. I ALSO LIKE THE FACT THAT THE KIDS HAVE FOUND THAT THERE IS A ROADBLOCK HERE IN THE ROADBLOCK THING AN ANTIQUATED LAW THAT MAKES NO SENSE. INSTEAD OF JUST GOING AROUND IT AND DRIVING INTO SCOTTSDALE, LEO TOOK IT INTO HIS OWN HANDS TO MAKE A CONNECTION WITH THE MAYOR. IN SYDNEY JOINING HIM IN THE EFFORT TO TRY AND DO THIS, ON THE LEGITIMATE BASIS AND I HOPE YOU CAN ALL SHOW THEM HOW GOVERNMENT WORKS IN A POSITIVE MANNER FOR BUSINESSES. WHEN WE WENT OUT TO GET THE SIGNATURES FOR THE PETITIONS AS SYDNEY HAD MENTIONED, PEOPLE WERE NO WONDER I'VE NEVER SEEN THE ICE CREAM MAN AROUND HERE. THAT'S RIDICULOUS. THERE WAS NOT ANYBODY THAT SAID I DON'T WANT TO HAVE ICE CREAM TRUCKS. SO I WOULD ASK YOU ALL WHEN YOU DO VOTE TO VOTE OUT WITH THE FEAR MONGERING ABOUT SOME ACCIDENTS ARE SO UNFORTUNATE , THEY HAPPEN EVERY DAY WITH CABS, POOLS, SKATEBOARDS, ALL OVER THE COUNTRY. BUT TO VOTE HOW YOUR CONSTITUENTS WANT YOU TO VOTE. WHETHER THE PEOPLE IN THE AUDIENCE ARE YOU WALK UP GUIDE AND TALK TO PEOPLE AND WHAT THEY WANT AND WHAT THEY WANT FOR THEIR CHILDREN. WHO DOES NOT LOVE THE ICE CREAM MAN? THANK YOU.

Mayor Lane: THANK YOU, MR. KIRSCH. NEXT IS JON KIRSCH. DO YOU WANT TO SHARE? WHY DO WE SAVE THAT. THANK YOU, THOUGH.

[Time: 01:24:07]

Jon Kirsch: I JUST HAVE A FEW BRIEF COMMENTS. I'VE BEEN IN AND SCOTTSDALE FOR 20 YEARS. I GREW UP IN CHICAGO AND GROWING UP IN CHICAGO ONE OF THE PARTS OF THERE WAS ALWAYS THE ICE CREAM MAN WHEN YOU WERE A LITTLE KID. IT'S SOMETHING THAT EVERY SATURDAY HE WILL COME OUT WHEN YOU'RE PLAYING BALL WITH YOUR FRIENDS, PLAYING TAG OR WHATEVER MIGHT BE AND YOU HEAR THAT BELL AND EVERYBODY WOULD DROP WHAT THEY'RE DOING AND RUN TO THE TRUCK. YOU WOULD GET YOUR ICE CREAM AND EVERYBODY WOULD HANG OUT, LIKE THEY WERE SAYING EARLIER IT TURNED INTO A COMMUNITY EVENT. ANY WAY LIVING IN SCOTTSDALE I WAS WONDERED WHY THERE WAS NOT A TRUCK. WHY I COULD NOT DO THIS. AND ACTUALLY WHEN I USED TO DRY RUN PHOENIX AND HEAR THE BELLS, AS MY BRAIN WOULD HEAR THE BELL AND GO TOWARDS IT I WOULD ACTUALLY DRIVE AND PULL ALONGSIDE THEM AND STOPPING GRAB AN ICE

CREAM. I WOULD LIKE YOU TO VOTE FOR LEO'S LAW BECAUSE I REALLY THINK IT'S A GREAT THING AND I THINK IT'S GREAT FOR THE COMMUNITY.

Mayor Lane: THANK YOU, MR. KIRSCH. NEXT IS KEN GROVE, FOLLOWED BY HILARY GEORGE .

[Time: 01:25:28]

Ken Grove: I AM KEN GROVE. I AM HERE IN SUPPORT OF LEO'S LAW. I THINK THE ANSWER HERE IS FAIRLY OBVIOUS. THIS IS SOMETHING WE ALL REMEMBER FROM GROWING UP, ICE CREAM TRUCKS IN THE NEIGHBORHOOD. THESE KIDS DO NOT HAVE AN OPPORTUNITY. THE LAW HAS VERY ADEQUATELY ADDRESSED ANY KIND OF SAFETY ISSUES THAT ANYBODY COULD POSSIBLY BE CONCERNED WITH. ANY OF THE HORROR STORIES THAT YOU CANNOT FIND YOU CAN FIND THE WORST THINGS FOR PLAYING BASKETBALL IN YOUR DRIVEWAY, FRISBEE IN YOUR FRONT YARD, YOU CANNOT ATTACK CHILDREN FROM EVERY SINGLE THING ESPECIALLY WHEN THE SOLUTION FOR HOW TO PROTECT THEM IS TO TAKE AWAY THE THINGS THAT THEY LIKE. IT DOES NOT MAKE ANY SENSE THAT ICE CREAM TRUCKS WOULD NOT BE LEGAL IN SCOTTSDALE.

Mayor Lane: HILARY GEORGE FOLLOWED BY JULIE ALPERT.

[Time: 01:26:35]

Hilary George: HELLO MR. MAYOR AND MEMBERS OF THE COUNCIL. MY NAME IS HILARY GEORGE. I'M A SCOTTSDALE RESIDENT AND ALSO MOTHER. I WOULD ASK THAT YOU CONSIDER PASSING THIS LAW. I THINK I SPEAK NOT ONLY FOR MYSELF BUT FOR A LOT OF MOTHERS THAT WHEN WE REMINISCE ABOUT OUR DAYS OF GROWING UP IN CHILDHOOD THAT WE HOPE THAT OUR CHILDREN CAN HAVE SOME THE SAME EXPERIENCES. I HOPE THAT FOR MY TWO DAUGHTERS THAT THEY WILL BE ABLE TO EXPERIENCE SOMETHING LIKE THE ICE CREAM TRUCK AND THE ICE CREAM MAN AND BE ABLE TO GO OUT AND PURCHASE THEIR ICE CREAM. I KNOW WHAT A GREAT MEMORY THAT WAS FOR ME. WE ARE NEVER GOING TO BE AT A PLACE WHERE WE SAY TO OUR KIDS STAY OUT AND JUST BE HOME WHEN IT TURNS DARK. BUT THIS IS SOMETHING WE SHOULD BE ABLE TO GIVE OUR CHILDREN AND I HOPE THAT WE WILL BE ABLE TO. THANK YOU.

Mayor Lane: THANK YOU, MS. GEORGE. NEXT IS JULIE ALPERT FOLLOWED BY NANCY CANTOR.

[Time: 01:27:34]

Julie Alpert: MY NAME IS JULIE ALPERT AND I AM A REGISTERED VOTER AND A RESIDENT OF SCOTTSDALE SINCE 2003. MOTHER OF THREE CHILDREN AGES 10, 12, AND 14 AND I AM IN FAVOR OF LEO'S LAW AND I HAVE THIS LONG THING TYPED OUT ABOUT WHAT I'M GOING TO SAY AND AS KEN GROVE SAID JUST A FEW MOMENTS AGO, EVERYBODY HAS PRETTY MUCH PRESENTED BOTH SIDES OF THE STORY SO I'M GOING TO SPEAK FROM MY HEART AS A MOTHER AND HOPEFULLY, AS HILARY JUST SAID ALSO REPRESENT THOSE MOTHERS OUT THERE IN SAYING THAT THERE ARE SOME THE THINGS THAT HAVE BEEN TAKEN AWAY FROM OUR CHILDREN. WE ARE SO FEARFUL OF THEM OF GOING OUT INTO THE WORLD. WE GIVE THEM CELL PHONES IN 2ND GRADE, TAX THEM, WANT TO KNOW WHERE THEY ARE AND WHAT THEY ARE DOING AND WE'RE AFRAID TO TO SEND THEM TO THE MALLS, WE ARE

AFRAID TO LET THEM RIDE THEIR BIKES AROUND THE NEIGHBORHOOD. IT'S ALL THIS FEAR HAS BEEN PUT INTO OUR CHILDREN'S LIVES AND OUR LIVES AND I THINK IT'S A PRETTY COOL THING TO HAVE THE ICE CREAM MAN COME DOWN THE STREET. THERE'S ALL THE EXCITEMENT INVOLVED. PERSONALLY, I THINK THE WHOLESOMENESS IN THE MEMORY AND ALL OF THAT IS SO WORTH EVERYTHING THAT WE TALKED ABOUT TONIGHT. I HOPE YOU WILL PLEASE PASS THIS LAW AND TO LAST COMMENTS. IT'S A CONE, NOT A CRIME, AND DON'T BAN THE ICE CREAM MAN.

Mayor Lane: NEXT IS NANCY CANTOR. SHE HAD TO LEAVE? THEN I THINK THAT CONCLUDES PUBLIC TESTIMONY. THAT DID NOT TAKE TOO LONG. WE DO APPRECIATE ALL THE INPUT FROM BOTH SIDES. THANK YOU VERY MUCH. NOW IF THERE ARE ANY QUESTIONS FROM THE COUNCIL WITH REGARD TO THE PRESENTATION BY MR. TWIST OR MR. BLAVIN I WOULD CERTAINLY ASK THAT WE START A DISCUSSION OR I WILL ACCEPT A MOTION. COUNCILMAN PHILLIPS?

[Time: 01:30:12]

Councilmember Phillips: THANK YOU, MAYOR. EXCUSE ME. I'M SURPRISED WE DON'T HAVE MORE PEOPLE ON THE COUNCIL THAT WANTED TO SPEAK ON THIS. SO PLEASE FORGIVE ME FOR PROBABLY SPEAKING TOO MUCH ABOUT IT. I'VE TAKEN A LOT OF TIME, CONSIDERATION AND THOUGHT INTO THIS AND BECAUSE IT'S OUR CHILDREN. NUMBER ONE, I APPLAUD YOU FOR SHOWING UP TODAY. YOU'RE EXERCISING YOUR RIGHT TO STAND TOGETHER FOR WHAT YOU BELIEVE IN REGARDLESS OF THE OUTCOME. YOU SHOULD BE PROUD TO LIVE IN A COUNTRY WHERE WE STILL HAVE A VOICE. I'M VERY PROUD OF YOU FOR BEING HERE THIS EVENING. THIS ICE CREAM ORDINANCE IS SO RESTRICTIVE IT PROBABLY WOULDN'T HOLD UP UNDER THE Arizona CONSTITUTION. IT'S PROBABLY EASIER TO PURCHASE A GUN THAN GET AN ICE CREAM BUSINESS IN SCOTTSDALE. I BELIEVE IF THIS IS PASSED WE WILL GET APPLICANTS TO CHALLENGE THIS IN COURT. THAT BEING SAID, I HAVE SOME POINTS TO BRING UP. POINT NUMBER ONE, VEHICLE DANGER IS NOT EXPRESSLY TO THE ICE CREAM VENDOR. IT'S THE DRIVERS PASSING THE TRUCKS WITHOUT SLOWING DOWN. THE ONLY OTHER TIME CHILDREN GATHER AT A VEHICLE IS AT THE SCHOOL BUS AND DRIVERS HAVE TO STOP FOR THE SCHOOL BUS. YOU HAVE SIGNS AND YOU HAVE TO WAIT FOR THEM TO LEAVE. THE ICE CREAM TRUCK WILL NOT HAVE THAT AND I DON'T THINK THE BACKUP LIGHT IS GOING TO BE ENOUGH. CHILDREN WILL BLOCK THE BACKUP LIGHT. POINT NUMBER TWO, HAD WE NEVER BANNED ICE CREAM TRUCKS I WOULD NOT GO AFTER THEM NOW BUT SINCE SCOTTSDALE DID BAN THEM, IF WE NOW BRING THEM BACK WE ARE LIABLE, NO MATTER HOW MUCH INSURANCE THE DRIVER HAS, IF THE CHILD GETS HURT OR GOD FORBID KILLED, SOCIETY WILL POINT THE FINGER AT THOSE WHO ALLOWED THIS TO HAPPEN. AND POINT NUMBER THREE, 12 YEARS AGO A YOUNG GIRL VANISHED INTO THIN AIR. JANUARY SECOND, 1999, SHORTLY BEFORE 6:00 P.M., MIKELLE BIGGS, 11 YEARS OLD, PEDALED HER BICYCLE FOUR HOUSES DOWN FROM HER SUBURBAN HOME. SHE AND HER SISTER THOUGHT THEY HEARD THE ICE CREAM TRUCK SO THEY HIT THEIR MOTHER UP FOR MONEY AND RACED TO THE CORNER TO WAIT. AFTER A FEW MINUTES KIMBER GOT COLD WHILE MIKELLE STAYED BEHIND. TRACY BIGGS TOLD HER CHILD TO GO TELL MIKELLE TO COME HOME. ALL SHE FOUND WAS HER BICYCLE LYING ON THE SIDE OF THE ROAD. KIMBER HAD BEEN INSIDE HER HOUSE FOR ALL OF 90 SECONDS BEFORE GOING BACK OUT. NO ONE HAS SEEN HER SINCE. MOST PEOPLE HAVE HEARD THIS STORY. TIME WILL HEAL ALL WOUNDS UNLESS IT'S YOUR CHILD. POLICE FEEL THAT A PEDOPHILE WAS WITHIN AN OPPORTUNE PLACE AND TOOK ADVANTAGE OF THE SITUATION. PEDOPHILES PREY ON CHILDREN WHEREVER AND WHENEVER AND AN ICE CREAM SHOP CREATES ANOTHER OPPORTUNITY. WHEN I WAS A KID I WENT TO THE ICE

CREAM TRUCK, I ALSO SNUCK OUT THE WINDOW AT FOUR O'CLOCK IN THE MORNING AND RAN AROUND THE STREETS. CAN'T DO THAT TODAY, YOU WILL NEVER SEE US AGAIN. CHILDREN ARE OUR MOST VALUABLE ASSET. FOR THAT, I WILL NOT BE VOTING FOR THIS.

Mayor Lane: THANK YOU, MISTER PHILLIPS. COUNCILMAN ROBBINS.

Councilman Robbins: THANK YOU, MAYOR. I WOULD LIKE TO MAKE A MOTION THAT THE CITY COUNCIL APPROVE ORDINANCE 4012.

Mayor Lane: SECOND. SECOND TO THE MOTION HAS BEEN MADE TO APPROVE.

[Time: 01: 33:59]

Councilman Robbins: MAYOR, CAN I GO FIRST? THANK YOU. I AM SUPPORTIVE OF THIS. I APPRECIATE ALL YOU COMING UP TONIGHT. IT IS A FANTASTIC SHOW OF YOUR SUPPORT AND I APPRECIATE THOSE WERE OPPOSED TO THIS AS WELL. I UNDERSTAND THE BALANCE. SOME ONE SPOKE EARLIER ABOUT BEING IN COURT AND HAVING TO ARGUE ONE SIDE OR THE OTHER AND HAVING TO BALANCE OUT WHAT IS BEST FOR THE COMMUNITY. I THINK STAFF HAS DONE A VERY NICE JOB OF PUBLIC OUTREACH, OF COVERING ALL OF OUR BASES, OF DOING THE RIGHT THING AND IT WAS MENTIONED BEFORE, IT IS PROBABLY ONE OF THE MOST REGULATED INDUSTRIES AND BUSINESSES IN SCOTTSDALE. IT'S NOT NECESSARILY A GOOD THING BUT WHEN WE TALK ABOUT SAFETY I THINK IT IS. I REMINDED OF MY YOUNGEST DAUGHTER JUST TURNED 16 AND YOU KNOW WHAT THAT MEANS. DRIVER'S LICENSE. AS A PARENT, YOU ARE VERY FEARFUL OF WHAT CAN HAPPEN EVERY TIME THEY GET INTO A VEHICLE AND ALL THE THINGS THAT CAN GO WRONG. YOU CAN NEVER GET ANOTHER GOOD NIGHT'S SLEEP IF YOU LET ALL THAT AFFECT YOU NEGATIVELY. YOU PLAN, EDUCATE, DO EVERYTHING YOU CAN PROPERLY TO MAKE SURE THEY ARE AS SAFE AS POSSIBLE. YOU CANNOT COVER EVERY BASE. WE ARE TALKING ABOUT THE ICE CREAM TRUCK. I GREW UP IN SCOTTSDALE, I REMEMBER THE ICE CREAM TRUCK IN THE 60s AND 70s AND IT WAS A GREAT THING. 10 OR 12 YEARS AGO WE MUST'VE HAD A ROGUE ICE CREAM MAN AND SO WE HAD ICE CREAM MIKE AS WELL. HE NEVER GOT PULLED OUT OF SCOTTSDALE AND NOTHING BAD EVER HAPPENED. I THINK WE HAVE DONE THE RESPONSIBLE THING BY THE STAFF'S POINT OF VIEW AND PERSPECTIVE. I APPRECIATE, IF I EVER HAVE TO FALL ON REGULATION OR FREE ENTERPRISE, I'M A BUSINESSMAN HERE IN SCOTTSDALE AS WELL AND THANKFUL TO YOU LEO AND YOUR FAMILY FOR ALL YOU HAVE DONE AND THOSE WHO PURCHASED THE BUSINESS NOW. I THINK IT'S AN EXCELLENT LEARNING EXPERIENCE TO GO THROUGH THAT PROCESS AND BEING HERE AS WELL IS PART OF THAT, WHEN GOVERNMENT HAS A SAY IN HOW YOU RUN YOUR BUSINESS AND WHAT YOU DO. I'M GLAD WE'VE DONE THE RESPONSIBLE THING HERE. I THINK WE HAVE COVERED ALL OF OUR BASES AND I THINK WE ARE GOING TO PASS AN APPROPRIATE REGULATION FOR THIS BUSINESS AND I'M LOOKING FORWARD TO BUYING ICE CREAM FROM LEO. THANK YOU.

Mayor Lane: THANK YOU, COUNCILMAN. VICE MAYOR.

[Time: 01:34:30]

Vice Mayor Klapp: I WOULD ECHO THE COMMENTS OF COUNCILMAN ROBBINS AND SAY THAT ONE OF THE SPEAKERS SAID THAT THIS IS A GREAT LEARNING EXPERIENCE FOR THE CHILDREN THAT ARE HERE TONIGHT AND I THINK IT REALLY IS. YOU GET A FIRSTHAND VIEW AS TO HOW LAWS ARE MADE AND HOW LAWS ARE UNMADE AND IN THIS CASE I THINK THAT IT'S TIME WE LIFT THE BAN ON ICE CREAM TRUCKS AND RECOGNIZE THAT THIS IS A SERVICE THAT SHOULD BE PROVIDED IN SCOTTSDALE. AS I'VE STATED BEFORE, WHEN ASKED ABOUT THIS BY THE NEWSPAPER, THIS IS A BUSINESS FRIENDLY COMMUNITY AND I BELIEVE THIS IS A FRIENDLY BUSINESS. I DON'T THINK WE ARE BRINGING IN A BAD ELEMENT HERE. I SHOULD ADD THAT THERE ARE PEOPLE THAT TALK ABOUT THE DIFFERENCE BETWEEN THE OLD DAYS AND THE CURRENT DAYS AND HOW UNSAFE IT IS NOW VERSUS THE WAY IT WAS WHEN WAS WHEN WE WERE CHILDREN. I GREW UP IN AN UNSAFE NEIGHBORHOOD AND I CAN TELL YOU THERE WERE BAD ELEMENTS IN THE NEIGHBORHOOD BUT THE ICE CREAM MAN WAS NOT BAD. NONE OF MY FRIENDS WERE ACCOSTED BY AN ICE CREAM MAN BUT WERE ATTACKED BY OTHER PEOPLE. THE ICE CREAM MAN WAS A PRETTY GOOD GUY SO I REMEMBER THE ICE CREAM TRUCKS AS A GOOD THING THAT WOULD HAVE BEEN IN NEIGHBORHOOD, NOT A BAD THING. AS WAS MENTIONED HERE THERE ARE PEOPLE IN NEIGHBORHODDS NOW TODAY WITH THEIR GARDENER TRUCKS AND WE HAVE REPAIRMEN AND WE HAVE A LOT OF PEOPLE THAT ARE CRUISING THROUGH THE NEIGHBORHOODS. I BELIEVE WITH THE RULES AND REGULATIONS THAT HAVE BEEN PLACED ON THIS PARTICULAR BUSINESS THAT WE REALLY SHOULD NOT BE THE SUCCUMING TO OUR FEARS AND THINKING THAT WE ARE ALLOWING SOMETHING NEFARIOUS TO GO INTO THE NEIGHBORHOOD. WITH THAT THOUGHT IN MIND, I SUPPORT THIS ORDINANCE. I THINK IT IS GOOD FOR THE CITY. I THINK THE PEOPLE THAT ARE INVOLVED IN THIS AND CREATING A BUSINESS. JUST THINK ABOUT THE FAMILY AND THE LESSONS THEY ARE TEACHING THEIR DAUGHTER ABOUT OWNING THEIR BUSINESS AS A SOPHOMORE IN HIGH SCHOOL. I CAN'T IMAGINE THAT IN HIGH SCHOOL. HOW WONDERFUL IS THAT. I THINK THIS IS A GREAT THING AND I'M VERY SUPPORTIVE. THANK YOU.

Mayor Lane: THANK YOU, VICE MAYOR. COUNCILMAN LITTLEFIELD.

[Time: 01:38:54]

Councilman Littlefield: I HAVE TO LAUGH. I HEAR EVERYBODY TALKING ABOUT THIS IS AN ALL-AMERICAN THING, NOSTALGIA, SOMEBODY EVEN USED THE WORD JOY AND SUNSHINE. THIS IS NOT ABOUT ANY OF THOSE THINGS. THIS IS MONEY. I HAD THE OPPORTUNITY TO MEET WITH THE OLDER MR. BLEVINS AND HE WAS MORE THAN WILLING TO TELL ME HOW MUCH MONEY HE MADE AND HOW MUCH MORE MONEY WAS TO BE MADE. THE QUESTION IS, IS IT RIGHT FOR US TO INFLICT THIS ON NEIGHBORHOODS THAT DON'T WANT IT. THE ANSWER IS NO. WHO DOESN'T WANT THE ICE CREAM MAN? BESIDES THE OBVIOUS FOLKS THAT TESTIFIED AGAINST THIS, THE RESIDENTS HAVE CONTACTED THE COUNCIL AND SAID THEY DON'T WANT US TO PASS THIS, DID NOT WANT FOR SEVERAL REASONS. THEY DON'T WANT MORE STRANGERS IN THEIR NEIGHBORHOOD. THEY ALREADY HAVE TOO MANY. THE MOST LIKELY CRIME FOR SCOTTSDALE RESIDENT IS TO BE INFLICTED UPON THEM. MORE STRANGERS IN THE NEIGHBORHOOD IS NOT A GOOD THING. THE FACT THAT WE ALREADY HAVE SOME IS JUST A TESTAMENT TO THE FACT THAT WE DON'T DO A GOOD ENOUGH JOB RIGHT NOW. MORE IS NOT GOOD. WE DON'T WANT THE NUISANCE. THE MOST IMPORTANT THING IS THE SAFETY HAZARD. YOU HEARD THE NURSE WHO GOT UP HERE AND TALK ABOUT ALL THE CHILDREN RUNNING UP TO ICE CREAM TRUCKS WERE INJURED OR KILLED. THOSE WERE REAL CHILDREN, REAL PEOPLE. NOW, WE'VE GOT THAT COVERED, THEY TELL US WE'VE GOT THAT COVERED

WITH ALL THIS REGULATION. IF YOU LISTEN TO WHAT THE LADY S AID, MOST OF THOSE CHILDREN WHO WERE INJURED WERE NOT INJURED BY THE ICE CREAM TRUCK, THEY WERE INJURED BY OTHER DRIVERS WHEN THEY WERE RUNNING BACK AND FORTH TO THE ICE CREAM TRUCK. SO IT DOESN'T MATTER HOW HEAVILY YOU REGULATE THE ICE CREAM TRUCK, YOU'RE CREATING AN ATTRACTIVE NUISANCE AND THAT ATTRACTIVE NUISANCE WILL INEVITABLY END UP WITH SOMEBODY GETTING HURT. NOW I HAD TO LAUGH AT THE TWO FOLKS APPEAR FROM NORTH SCOTTSDALE WE TALKED ABOUT HOW WONDERFUL THIS WAS AND HOW THEY REMEMBERED THE ICE CREAM TRUCK AND HOW GREAT NOSTALGIC IT WAS, BESIDES THE OBVIOUS FACT THAT THIS IS NOT 1963 ANYMORE, AS ONE WOMAN SAID. I HAD TO LAUGH ABOUT PEOPLE FROM NORTH SCOTTSDALE BECAUSE THIS IS NOT GOING TO BE INFLICTED UPON THEM. YOU'RE GOING TO SEE IT DOWN IN THE INDIAN SCHOOL AREAS. ONCE AGAIN THE COUNCILS PASSING SOMETHING THAT IS GOING TO PUT A BURDEN ON SOUTH SCOTTSDALE THAT THE FOLKS IN NORTH SCOTTSDALE WILL NEVER SEE. I HEARD ONE FOLLOW-UP THERE SAID WELL THESE ACCIDENTS, SURE KIDS ARE IN ACCIDENTS, HAPPENS EVERY DAY. SOMEBODY ELSE SAID THERE IS VERY FEW. HOW MANY IS TOO MANY? I WOULD SAY ONE IS TOO MANY. IS IT SO HARD TO BUY ICE CREAM IN SCOTTSDALE THAT WE HAD EVEN TAKE A CHANCE ON ONE? IT'S RIDICULOUS. IT'S A BAD IDEA. IT'S ANOTHER SPECIAL INTEREST BILL, WE'RE GOING TO HELP A FEW PEOPLE MAKE MONEY WE'RE GOING TO DO IT AT THE EXPENSE OF THE NEIGHBORHOODS. IT'S A BAD IDEA AND SHOULD BE REJECTED.

Mayor Lane: THANK YOU, COUNCILMAN. COUNCILMEMBER KORTE.

[Time: 01:42:15]

Councilmember Korte: THANK YOU, MAYOR. THIS ORDINANCE IS PROBABLY THE MOST RESTRICTIVE POLICY IN THE CITY OF SCOTTSDALE AND I BELIEVE THE STAFF HAS DONE A GREAT JOB IN ANSWERING ALL OF THE CONCERNS FROM THE COMMISSIONS AND THE NEIGHBORS AND THE PARENT COUNCILS AND ALL OF THE OUTREACH. WHAT A TRAGIC POINT TO THINK THAT IT IS EASIER TO BUY A GUN THAN DRIVE AN ICE CREAM TRUCK . THAT IS THE TRAGEDY. THIS IS NOT ABOUT CREATING AN UNSAFE ENVIRONMENT. IT'S ABOUT BEING BUSINESS FRIENDLY. WHAT A GREAT THING TO MAKE MONEY AND TEACH OUR CHILDREN WHAT THE VALUE OF MONEY IS AND SUPPORT THE ECONOMIC HEALTH OF OUR CITY. I WILL BE SUPPORTING THIS.

Mayor Lane: THANK YOU, COUNCILMEMBER. COUNCILWOMAN MILHAVEN, AND LOOKING TO THE SKY, DO YOU HAVE ANY COMMENT?

Councilwoman Milhaven: I JUST WANT TO CONGRATULATE LEO FOR ALL THE GREAT WORK.

[Time: 01:43:25]

Mayor Lane: THANK YOU COUNCILWOMAN. OBVIOUSLY THE MOTION IS ON THE TABLE AND IT'S BEEN SECONDED AND WE HEARD COMMENTS FROM ALL. MY POSITION IS PROBABLY BETTER KNOWN THAN ANYONE'S. I WILL SAY THAT, I THINK DURING THE COURSE OF THIS CONVERSATION THE TESTIMONIES GIVEN AND AGAIN I WANT TO THANK EVERYBODY FOR LENDING TO THE CONVERSATION ON IT. THERE IS NOT ANY DOUBT THAT THIS IS FAIRLY RESTRICTIVE IN THE EFFORTS MADE BY THE LEGAL DEPARTMENT AND BY STAFF TO ADDRESS THOSE CONCERNS AS BEST WE POSSIBLY COULD WITHOUT

ABSOLUTELY SHUTTING DOWN THE OPPORTUNITY, NOT ONLY FOR OUR BUSINESS. AND MOST PEOPLE ON OUR COUNCIL DO NOT RESENT BUSINESS PEOPLE FOR MAKING A RETURN FROM THEIR INVESTMENT IN WORK. IT'S NOT SOMETHING WE'RE IN THE BUSINESS OF DOING. WE WANT TO ENCOURAGE BUSINESSES BEST AS WE CAN AND GET OUT OF ITS WAY. THE EXTENT OF FEAR MONGERING, I THINK IT IS TERRIBLY DISTRESSING WHEN YOU THINK AND HEAR SOME OF THE CONCERNS THAT OUR CHILDREN HAVE TO DEAL WITH AND HOW WE REACT TO IT AND I THINK EVERYONE KNOWS THAT I AM IN SUPPORT OF THIS. IT IS NOT FOR SENTIMENTAL REASONS BUT EVEN THOUGH THERE ARE SOME SENTIMENTS THAT ARE INVOLVED WITH THAT, I THINK ICE CREAM TRUCK DRIVERS, WE GOT TO KNOW THEM, THEY WERE NOT STRANGERS IN OUR NEIGHBORHOOD, THEY WERE PEOPLE THAT WERE PART OF THE SAFEGUARD OF THE NEIGHBORHOOD AND THEY BROUGHT THE COMMUNITY OUT TOGETHER AND TALK TO THAT ICE CREAM PERSON AND FRANKLY YOUR OTHER NEIGHBORS. HE MAY OR HAVE NEVER SEEN BUT HE KNEW THE ADULTS. WE BROUGHT UP A LOT OF ADDITIONAL RESPONSIBILITY FOR OUR NEIGHBORHOOD BECAUSE OF THAT INTERACTION. I AM IN FAVOR OF IT BECAUSE I CERTAINLY LIKE THE IDEA OF YOUNG ENTREPRENEURS WORKING AND GETTING TO BE INVOLVED IN CAPITALISM AND FREE ENTERPRISE. I THINK THAT'S A GREAT LEARNING PROCESS FOR ALL OF THEM AND I ALSO THINK IT'S GREAT FOR NEIGHBORHOODS. IF NEIGHBORHOODS DON'T SUPPORT IT AND DON'T WANT THEM THERE, THEY WON'T BE THERE. IT'S AS SIMPLE AS THAT. IT'S HOW THE FREE ENTERPRISE SYSTEM WORKS. IT'S HOW SUPPLY AND DEMAND WORKS. I WOULD CERTAINLY CONGRATULATE LEO, AS I'VE DONE BEFORE AND NOW CERTAINLY WITH SYDNEY AS SHE PICKED IT UP. AND ALL THAT HAVE BEEN INVOLVED WITH, AND THEIR FRIENDS BETTER WITH HERE AS WELL. I WANT TO CONGRATULATE YOU ON THE EFFORT AND TAKE IT THIS FAR. LEO FOR YOUR PART, TWO YEARS OF HIGH SCHOOL, NOW OFF TO COLLEGE. YOU WERE NOT ABLE TO ACTUALLY GET THIS THROUGH IN TIME FOR YOU TO BE ABLE TO UTILIZE IT, NEVERTHELESS I THINK IT IS CERTAINLY BEEN A GREAT LEARNING EXPERIENCE YOU FOR YOU ALL THE WAY AROUND AND I CERTAINLY WILL SUPPORT THIS MEASURE. I SEE THERE IS NO FURTHER COMMENTS HERE OR COMMENTS FROM THE PUBLIC. THANK YOU FOR THE PRESENTATION, MISTER TWIST AND FOR ALL THE WORK THAT WENT INTO THIS. ALL IN FAVOR INDICATE AYE. MEASURE PASSES FIVE TO TWO WITH COUNCILMAN LITTLEFIELD AND COUNCILMAN PHILLIPS OPPOSING. THANK YOU VERY MUCH.

Vice Mayor Klapp: NOW HE WILL TAKE THE SHIRT.

Mayor Lane: THANK YOU. IT WAS NICE TO HAVE MET YOU. I'M SORRY, WE ARE GOING TO HAVE TO MOVE ON. AFTER THE MEETING. THIS IS NOT THE POINT IN TIME.

WE WILL BE MOVING ON ON THE AGENDA. IF THOSE EXITING COULD DO SO QUIETLY, I WOULD APPRECIATE IT. EXCUSE ME, IF YOU ARE LEAVING THE SEATS, IF YOU COULD DO SO QUIETLY SO WE CAN PROCEED. THANK YOU VERY MUCH.

**ITEM 23: NOVEMBER 5, 2013 SPECIAL GENERAL OBLIGATION BOND ELECTION**

[Time: 01:48:25]

Mayor Lane: OUR NEXT REGULAR AGENDA ITEM WAS OUT OF ORDER. WE WILL BE MOVING ONTO ITEM 23. THIS IS IN REFERENCE TO THE NOVEMBER 5<sup>TH</sup>, 2013 SPECIAL ELECTION TO ADOPT RESOLUTION 9348. TO ORDER AND CALL FOR SPECIAL ELECTION ON TUESDAY, NOVEMBER 5TH, TO

SUBMIT QUALIFYING ELECTORS TO THE CITY, OF THE CITY AUTHORIZING THE ISSUANCE OF THE SALE OF \$212,100,000 DOLLARS WITH THE BONDS AND APPROVED BOND LANGUAGE IS INDICATED ON OUR COUNCIL REPORT LANGUAGE HERE. WE HAVE MISTER DEREK EARLE THAT'S GOING TO MAKE THE PRESENTATION. I KNOW HE'S BEEN LOOKING FORWARD TO IT FOR A FEW HOURS ON HIS FEET. MR. EARLE, IF YOU WOULD PROCEED. THANK YOU VERY MUCH.

[Time: 01:49:16]

City Engineer Derek Earle: ACTUALLY, FOR THAT REASON I MADE A VERY SHORT PRESENTATION, I THINK ABOUT FOUR SLIDES. IT DEPENDS ON HOW LONG THE DISCUSSION IS. BEFORE I START INTO IT I WOULD LIKE TO MAKE NOTE THAT THE CITY'S BOND COUNCIL IS ALSO HERE TO ANSWER ANY QUESTIONS YOU MIGHT HAVE REGARDING LEGAL ASPECTS OF THE BOND OR THE RESOLUTION THAT WE ARE PASSING. HE WILL BE AT THE STAFF TABLE WITH US. THIS IS THE FINAL ACTION THAT WILL BE NECESSARY FOR COUNCIL TO TAKE TO MOVE FORWARD TO THE BOND ELECTION TO NOVEMBER 2013 ELECTION. AS YOU RECALL, IF THE PROJECT WAS PUBLISHED AT THE \$5 MILLION PROJECT ONLY \$5 MILLION OF BOND PROCEEDS WOULD BE ELIGIBLE TO BE USED ON THAT PROJECT. I DO KNOW THAT AT THE BOTTOM OF THE SLIDE THAT DOES NOT RESTRICT PROJECTS FROM UTILIZING OTHER FUNDING THAT MIGHT BE AVAILABLE THROUGH OTHER VARIOUS MEANS AND TO THE CITY. IT DOES NOT ACTUALLY RESTRICT THE PROJECT THAT MUCH BUT IT WOULD REQUIRE COUNCIL TO OFFER FROM OTHER SOURCES ADDITIONAL FUNDING IF IT WAS NECESSARY TO COMPLETE THE PROGRAM. WITH THAT, WE'D BE GLAD TO ANSWER ANY QUESTIONS.

Mayor Lane: WE'RE GOING TO GO AHEAD WITH PUBLIC COMMENT AND WE UNDOUBTEDLY HAVE SOME QUESTIONS FOR YOU TO BRING YOU BACK TO THE PODIUM.

[Time: 01:53:45]

Councilmember Korte: MAYOR, I HAVE A QUESTION. DEREK, IN OUR PACKET THERE WAS AN ALTERNATE B.

Derek Earle: YES, MAYOR AND MEMBERS OF COUNCIL, I PROVIDED YOU A SUPPLEMENTAL MEMO WITH TWO ALTERNATE POSSIBLE LANGUAGES TO BE UTILIZED FOR THE BALLOT LANGUAGE. THAT WAS BROUGHT FORWARD AS A REQUEST FROM COUNCIL. WE CRAFTED THAT LANGUAGE AND ADDED IT AS A SUPPLEMENTAL TO THE PACKET FOR COUNCIL'S CONSIDERATION. I HAVE A SLIDE OR TWO ON THAT IF YOU WOULD LIKE ME TO GO THROUGH THOSE.

Councilmember Korte: YES I WOULD.

[Time: 01:54:18]

Derek Earle: THERE WERE TWO ALTERNATIVES PROVIDED. THE ORIGINAL LANGUAGE AND THE TWO ALTERNATES PROVIDE FOR ONLY THE PROJECTS THAT ARE LISTED TO BE UTILIZED FOR FUNDING. NONE OF THE ALTERNATES ALLOW FOR ANY NEW PROJECTS TO BE ADDED TO THE PROGRAM. BOTH OF THE ALTERNATE DO ALLOW FOR A LIMITED REALLOCATION OF BOND PROCEEDS WITHIN THE QUESTION ONLY, BUT ONLY TO THE APPROVED PROJECT LIST. ALTERNATE A ACTUALLY PROVIDES FOR,

AS IN THE PREVIOUS ONE, PROJECTS' NAME AND COST BE LISTED IN THE BALLOT LANGUAGE AS PROVIDED. I WOULD RESTRICT THE USE OF THE BOND PROCEEDS ONLY TO THOSE PROJECTS LISTED. IT DOES ADD LANGUAGE THAT ALLOWS UP TO PERHAPS TEN PERCENT OF THE AMOUNT OF THE BOND QUESTION TO BE REALLOCATED AMONG THOSE APPROVED PROJECTS ONLY. FOR EXAMPLE, IF YOU HAD A \$50 MILLION BOND QUESTION THAT WAS APPROVED, YOU HAVE A VERY SPECIFIC LIST OF PROJECTS, THIS PROVISION, ALTERNATE A, WOULD ALLOW UP TO \$5 MILLION TO BE REALLOCATED AMONG THOSE OTHER PROJECTS. REASON BEING, IF OCCASIONALLY THERE IS SOME PROJECTS THAT ARE OVER OR UNDER IT ALLOWS THE ABILITY TO SHIFT SOME OF THAT FUNDING BETWEEN THE PROJECTS.

ALTERNATE B BALLOT LANGUAGE WOULD PROVIDE FOR EACH PROJECT'S NAME TO BE LISTED ON THE BALLOT QUESTION. IT WOULD STILL RESTRICT THE USE OF BOND PROCEEDS TO THOSE SPECIFIC PROJECTS, NO NEW PROJECTS COULD BE ADDED. IT WOULD ALLOW THE REALLOCATION OF BOND PROCEEDS WITHIN A QUESTION AMONG THOSE APPROVED PROJECTS. THE NATURAL LIMIT IS WITHIN THE AMOUNT APPROVED ON THE BOND QUESTION ITSELF. THOSE WERE THE TWO ALTERNATE LANGUAGES THAT WERE BROUGHT FORWARD FOR COUNCIL'S REVIEW.

Mayor Lane: COUNCILMAN LITTLEFIELD WOULD LIKE TO GET SOME CLARIFICATION ON THIS.

Councilman Littlefield: GIVEN THAT IT WAS THE DIRECTION OF COUNCIL, THE LANGUAGE THAT RESTRICTS THE USE OF THE BOND PROCEEDS TO ONLY THOSE PROJECTS AND AMOUNTS LISTED, SINCE THAT WAS THE DIRECTION THAT YOU GOT LAST TIME AROUND, WHY ARE ALTERNATE A AND ALTERNATE B EVEN BEING CONSIDERED?

Derek Earle: MAYOR, MEMBERS OF THE COUNCIL, WE PROVIDE THE LANGUAGE THAT WE THOUGHT WAS RESPONSIVE IN THE ORIGINAL RESOLUTION THAT'S PROVIDED IN YOUR PACKET. WE RECEIVED A REQUEST TO LOOK AT ALTERNATE LANGUAGE AND TO BRING THAT FORWARD BUT WE DID NOT INCLUDE IT AS PART OF THE ORIGINAL RESOLUTION SUBMITTED FOR YOUR APPROVAL.

Councilman Littlefield: BOTH OF THESE RUN COUNTER TO THE DIRECTION YOU WERE GIVEN WHICH WAS THAT THE BOND WOULD BE PUT ON THE BALLOT WITHOUT THE DISCRETION TO MOVE MONEY BACK AND FORTH. YOU ARE OPENING IT UP TO MAKE IT LESS RESTRICTIVE.

Derek Earle: THE ORIGINAL COUNCIL REPORT FOCUSED EXCLUSIVELY ON THE ORIGINAL LANGUAGE THAT WE SUBMITTED TO YOU WHICH RESTRICTS IT, IN OUR BELIEF PER THE RESOLUTION FROM THE 19<sup>TH</sup>.

Mayor Lane: THANK YOU MR. EARLE. I JUST WANT TO SAY THAT OPTION 2, THESE ARE AND/OR, 2 or 2A OR 2B. ITEM 2 SPECIFICALLY RESPONDS TO, ACTUALLY IT WAS MY MOTION TO SHOW THE LISTED ITEMS SPECIFICALLY ON THERE WITH COMPLETE RESTRICTION. THE OTHERS ARE TWO OPTIONS WE COULD CONSIDER IN ORDER TO GIVE SOME LATITUDE ON DISPERSAL OF THOSE FUNDS. I'M GOING TO GO AHEAD AND GO BACK TO THE COMMENT CARDS THAT WE HAVE AND WE WILL PROBABLY HAVE A FORMULATION OF THAT. WE WILL START WITH MARK STUART.

[Time: 01:58:48]

Mark Stuart: I HAVE SERIOUS QUESTIONS ABOUT WHETHER WE ARE A LITTLE BIT PREMATURE IN EVEN DISCUSSING WHETHER WE WANT TO PUT ON THE BALLOT. I RECENTLY TODAY READ A BOND COUNSEL OPINION FROM 2006 WHERE BOND COUNSEL STIPULATED THAT THEY DID NOT KNOW THE FACTS OF WHETHER WE WERE IN COMPLIANCE OR WHETHER WE HAD PROCEDURES IN COMPLIANCE AND WHETHER WE MET THE PRIVATE ACTIVITY TEST AND THEREFORE THEY WERE RELYING ON STAFF. MY MEMORY COULD BE OFF BUT I THINK I SENT AN E-MAIL ASKING COULD YOU PLEASE SEND ME A COPY OF POST ISSUEABLE BOND COMPLIANCE REPORT AND PROCEDURES AND THE ANSWER I GOT BACK WAS WE DO NOT HAVE ANY. THIS IS NOT A JOKE. PRIVATE ACTIVITY RESTRICTIONS ARE ENFORCED, THE IRS HIRED 200 PEOPLE TO AUDIT THIS AND THEY ARE OFTEN WHISTLEBLOWER AWARDS. I WOULD SAY THAT A LOT OF THESE THINGS, BUILDING A 22,000 SQUARE FOOT CLINIC TO GIVE OUT MEDICAL AND DENTAL SERVICES TO UNINSURED PEOPLE OF MARICOPA COUNTY MIGHT NOT PASS THE TEST. YOU CAN'T TELL WITHOUT GOING THROUGH THE SPECIFICS. I DID NOT SEE ANYTHING LIKE THAT IN THIS PROPOSAL, ANY INDICATION THAT THEY HAVE GIVEN ANY SERIOUS CONSIDERATION OF THIS. THE PROBLEM IS THAT ONCE THEY COME IN AND LOOK AT STUFF LIKE THIS THEY CAN LOOK AT BONDS THAT WERE ISSUED 10 OR 15 YEARS AGO. AND THEN SINCE WE DON'T HAVE ANY PROCEDURES IN PLACE AND I AM NOT AWARE OF ANY THEN WE HAVE TO PUT UP PROCEDURES AND WE HAVE TO AUDIT OURSELVES AND THEN WE HAVE TO CONVINCING THE IRS THAT WE ARE IN COMPLIANCE. I THINK WE HAVE TO TAKE THAT DEEP BREATH AND TAKE A STEP BACK AND PUT THE PROCEDURES IN PLACE AND ANALYZE EVERY SINGLE PROJECT, GET THE BOND COUNSEL TO WRITE OFF INTO AGREED THAT WE ARE IN COMPLIANCE OR NOT TO PUT SOME OF THESE OF THE LANGUAGE LIKE WE DON'T KNOW THE FACTS BUT IF THE FACTS ARE SUCH THEN YOU ARE, BUT WE DON'T KNOW THE FACTS. THAT REALLY DOESN'T HELP US. IF WE ARE NOT IN COMPLIANCE, IT WILL BE A REAL PROBLEM. I THINK WE SHOULD TABLE THIS AND HAVE SOME PEOPLE PUT THEIR HEADS TOGETHER AND PUT TOGETHER SOME PROCEDURES AND GO THROUGH THE POST ISSUANCE BOND COMPLIANCE AND ANALYZE EVERY SINGLE PROJECT IN THAT CONTEXT AND THEN PROPOSE THE PROJECTS. THANK YOU FOR YOUR TIME.

Mayor Lane: THANK YOU MR. STUART. JEFFREY SILVER FOLLOWED BY COPPER PHILIPS. MR. SILVER, ARE YOU STILL WITH US? THEN WE WILL GO TO COPPER PHILIPS.

[Time: 02:02:13]

Copper Phillips: COPPER PHILLIPS, MY ADDRESS IS ON FILE. MAYOR AND COUNCIL AS A MEMBER OF THE 2012 BOND COMMITTEE, I CAN HONESTLY SAY THAT THERE IS NO DOUBT IN MY MIND THAT MANY OF THESE PROJECTS ARE ABSOLUTELY CRITICAL. I THINK IT WOULD BE UNWISE TO POSTPONE THE BOND ELECTION. I THINK TIMING IN THE CITY IS VERY GOOD AT THIS POINT IN TIME. I THINK WE ARE ON THE UPSWING AND PEOPLE ARE LOOKING FOR POSITIVE THINGS TO LOOK FOR FOR THEIR CITY BUT I'M VERY CONCERNED ABOUT THE POTENTIAL OF THIS BOND ELECTION PASSING AND IT IS ONLY BECAUSE OF THE WAY IT'S BEING PRESENTED. I LOOK AT THE OPTIONS THAT WERE PRESENTED AND I PERSONALLY WAS VERY HAPPY TO SEE ITEM 2B. I DON'T KNOW ABOUT YOU BUT WHEN I HAD THE MASTERS DEGREE CONFERRED THE CRYSTAL BALL THAT I RECEIVED HAS STOPPED WORKING IN ABOUT TWO WEEKS. QUITE HONESTLY I DON'T KNOW HOW MUCH A PROJECT IS GOING TO COST SIX MONTHS FROM NOW LET ALONE THREE YEARS. I THINK IT UNWISE TO ATTACH A SPECIFIC DOLLAR AMOUNT TO A SPECIFIC ITEM. I THINK WE WOULD BE WELL ADVISED TO CAP THE AMOUNT WITH ANY GIVEN QUESTION AND IF A PROJECT COMES IN UNDER THAT, MONEY CAN BE USED TO ADJUST FOR A

PROJECT OR BE MORE FULLY DEVELOPED AND PERHAPS BETTER QUALITY. I THINK THAT'S JUST BEING THE CUSTODIAN OF FUNDS AND PUTTING FUNDING TO THE BEST USE. THE OTHER ISSUE I HAVE IS THE WAY IT'S BEING PRESENTED AND THAT PROBABLY IS MORE AN OVERRIDING ISSUE. THIS BOND ELECTION WAS PREDICATED ON THE FACT THAT WE HAD FAILED TO PUT ADEQUATE FUNDING ASIDE TO MAINTAIN OUR FACILITIES. AS A RESULT OUR FACILITIES ARE DETERIORATING OUR ASSETS IN A VERY ALARMING RATE. FIRSTHAND, I SEE THAT. IT IS NOT A QUESTION. THAT'S WHAT WAS PREDICATED AND NOW WE HAVE ROLLED ADDITIONAL THINGS INTO THESE QUESTIONS. GOING AROUND THE CITY I HEAR PEOPLE TELLING ME I AGREE WITH TWO THIRDS OF THIS WE NEED TO FIX THINGS UP BUT I WON'T VOTE FOR THE CASINO JUST ADDING MORE ASSETS TO INVENTORY WE CANNOT NOW AFFORD TO MAINTAIN. WHY ARE WE DOING MORE. THAT ALARMS ME. I WOULD VERY STRONGLY URGE YOU TO SPLIT THESE TWO QUESTIONS INTO TWO COMPONENTS ONE IN MAINTENANCE OF OUR ASSETS, AND THE SECOND FOR ADDITIONAL OR NOT HIGH-PRIORITY ABSOLUTE NEED. AND LET THE PEOPLE DECIDE IF THEY WANT TO PUT THE MONEY INTO OUR INFRASTRUCTURE AND IF THEY WANT TO PUT ADDITIONAL MONEY INTO SOMETHING MORE AND BETTER. I THINK IT GIVES US A BETTER CHANCE THAN PUTTING ALL OUR EGGS INTO ONE BASKET. WE HAVE FOUR QUESTIONS AND EACH QUESTION WE ARE PUTTING ALL OUR EGGS INTO ONE BASKET. I'M VERY FEARFUL THAT WILL CAUSE US TO GO DOWN. THANK YOU.

Mayor Lane: THANK YOU, MS. PHILLIPS. NEXT IS TIM BRAY FOLLOWED BY JOHN WASHINGTON.

[Time: 02:05:29]

Tim Bray: MR. MAYOR AND MEMBERS OF THE CITY COUNCIL, MY NAME IS TIM BRAY I'VE LIVED IN SCOTTSDALE FOR 43 YEARS. I'M HERE TO SUPPORT THE PROGRAM AND WE NEED TO MAINTAIN THE ASSETS OF THIS COMMUNITY. I WANT TO FOCUS MY COMMENT ON THE PROCESS AND THE ALTERNATIVES THAT HAVE BEEN PROPOSED FROM THE CITY STAFF. FIRST, THE MAYOR IDENTIFIED 2A. I LIKE THE POINT THAT WE ARE GOING TO CAP THE BOND QUESTION BASED ON THE TOTAL AMOUNT OF DOLLARS. IT GIVES THE CITIZENS ASSURANCE THAT THEY ARE NOT GOING TO SPEND MORE THAN \$50.4 MILLION. IN MY OPINION 2A DOESN'T GIVE US ENOUGH FLEXIBILITY TO MAKE SURE WE DO THE JOB AS EFFICIENTLY AND EFFECTIVELY AS WE CAN. LET ME GIVE YOU MY OWN EXAMPLE. LET'S ASSUME WE GET THE FIRST TWO DONE AND LO AND BEHOLD WE SAVE \$2.5 MILLION PER PROGRAM SO WE NOW SAVE \$5 MILLION. THE NEXT TWO PROJECTS COME ALONG AND SAY THOSE GO OVER \$2.5 MILLION AND NOW WE SPENT \$5 MILLION. BUT UNDER THE PROPOSALS, YOU CANNOT ALLOCATE ANY OTHER MONEY TO THE OTHER FIVE PROJECTS, WHAT HAPPENS TO THOSE. THEY'RE LEFT OUT. IN ADDITION TO THE COSTS THAT WAS MENTIONED BY MRS. PHILLIPS, AND THE ONE I AM MOST FAMILIAR WITH, BOTH OF THE PRELIMINARY ESTIMATES PREPARED BY OUR ARCHITECT USING CONSTRUCTION DOLLARS ON A CONSTRUCTION INDEX ON THE 1ST QUARTER OF 2012. WE'VE BEEN WORKING ON THIS FOR OVER A YEAR. THOSE NUMBERS ARE NOT GOING TO HOLD IN 2013 OR 2014 AND 2015 FOR WE DO NOT HAVE A WAY TO ADJUST, KEEPING IN MIND THAT WE HAVE A TOTAL LIMIT. WE HAVE A PROBLEM. MY SUGGESTION IS THAT WE GO WITH THE ALTERNATIVE NUMBER AND IT GIVES US THE SAME PROTECTION AND PUT THE LID ON HOW MUCH WE CAN SPEND PER QUESTION. YOU CANNOT EXCEED THE TOTAL AMOUNT OF MONEY, THE COUNCIL STILL CONTROLS BUT IT GIVES YOU THE FLEXIBILITY TO REALLOCATE WITHIN THAT PARTICULAR BOND QUESTION SO YOU CAN SATISFY THE NEEDS OF EACH QUESTION AND STILL NOT EXCEED THE DOLLAR AMOUNT THAT WAS APPROVED BY THE VOTERS. I WAS THINKING THE OTHER DAY HOW DO I SUMMARIZE THIS AND THAT'S

FROM MY PERSPECTIVE AND I CAME UP WITH AN ACRONYM ACES. IN THE A, THE CITIZENS ARE GOING TO VOTE FOR THIS AND THEY ASSUME AND DEMAND ACCOUNTABILITY. THAT'S WHAT THEY WANT TO SEE AND THE C IS ALL OF YOU SITTING THERE CONTROLLING THE PROCESS. EVERY PROJECT HAS TO COME BEFORE YOU AND YOU AS THE CITY COUNCIL UNTIL IT THAT E IS THE EXECUTION WHICH IS WHAT THE STAFF IS GOING TO DO. AND THEY CAN DO IT VERY EFFECTIVELY AND MORE EFFECTIVELY WITH KIND OF FLEXIBILITY AND MORE EFFICIENTLY THAT WE CAN BY HAVING RESTRICTIONS ON THE AMOUNT OF DOLLARS THEY CAN REALLOCATE UNDER PROJECT A, WE WILL THEN HAVE A MOST SUCCESSFUL COMMUNITY BOND PROGRAM FOR SCOTTSDALE. THANK YOU, MR. MAYOR.

Mayor Lane: NEXT IS JOHN WASHINGTON.

[Time: 02:09:27]

John Washington: GOOD EVENING MEMBERS OF THE COUNCIL, MY NAME IS JOHN WASHINGTON. I'M A LONGTIME RESIDENT IN THE PEACEFUL VALLEY NEIGHBORHOOD JUST DOWN THE STREET. I HAVE TO TELL YOU AS I LISTEN TO DISCUSSION OF THE BOND AT THE LAST CITY COUNCIL MEETING IT WAS VERY CLEAR TO ME THAT YOU LOST THIS BOND ELECTION WHEN YOU PUSHED ASIDE THE OPPORTUNITY TO PUT THIS ON THE BALLOT WITH THE STRAIGHT UP LINE ITEM VOTE. TO THE LAST SPEAKER'S POINT ABOUT ACCOUNTABILITY, THAT'S WHY YOU LOST THE BOND ELECTION. IT IS ALREADY DOOMED. THE VOTERS DO NOT TRUST CITY GOVERNMENT WITH THIS KIND OF MONEY AND ESPECIALLY IF YOU'RE NOT GOING TO PUT RESTRICTIONS ON MOVING THIS MONEY BETWEEN CATEGORIES AND PROJECTS. THE VOTERS WILL NOT TRUST YOU TO DO THAT. I THINK IT'S A LOST CAUSE, FRANKLY. I THINK IT IS ALSO IMPORTANT TO HAVE SOME CONTEXT WITH REGARD TO OUR DEBT WHICH IS CURRENTLY \$1.3 BILLION. WE HAVE MORE DEBT THAN THE CITY OF GLENDALE AND THEY ARE IN BIG TROUBLE. FORTUNATELY OUR TAX BASE IS A LITTLE BETTER THAN GLENDALE'S BUT IT IS STILL A HUGE NUMBER. IT REPRESENTS ONE THIRD OF OUR BUDGET IN TERMS OF WHAT WE SPEND TO SERVICE THAT DEBT EVERY YEAR. ONE THIRD OF OUR BUDGET GOES TO PAY THE CREDIT CARD BILLS INSTEAD OF GOING TO INFRASTRUCTURE AND GOING TO SERVICES TO THE CITIZENS.

I THINK WE HAVE A SIGNIFICANT TRUST ISSUE PARTIALLY BETWEEN NEED AND NICE. THERE ARE A HANDFUL OF PROJECTS IN THIS LIST SCATTERED THROUGH THE FOUR CATEGORIES THAT ARE PRETTY IMPORTANT TO ADDRESS REGARDLESS OF HOW WE GOT TO THAT LEVEL OF NEED AND I WILL GET TO THAT IN A MOMENT. THE REST OF IT IS FLUFF. AND THE CITIZENS SEE THE CITY COUNCIL VOTE TO SPEND \$75,000 OF TAX PAYER MONEY TO SUBSIDIZE A POLO MATCH YOU CAN'T EXPECT THEM TO BE GOOD STEWARDS OF THE MONEY YOU'RE GOING TO BORROW WHICH WILL RESULT IN A TOTAL DEBT OF THE CITY OF SCOTTSDALE OF \$1.5 BILLION. LASTLY, I WOULD JUST SAY TO MS. COPPER PHILLIPS' POINT, WE CREATED WHAT LITTLE BIT OF NEED IS IN THIS, THE CITY COUNCIL CREATED BY NOT FUNDING THE CAPITAL IMPROVEMENTS PROJECT FUNDS FOR A NUMBER OF YEARS AND WE ARE WANTING DEFICITS . WE HAD AN \$8 MILLION DEFICIT LAST YEAR, WE HAD A \$6 MILLION PROJECTED DEFICIT THIS YEAR. THE \$8 MILLION IS LIKELY TO TURN INTO \$20 MILLION IN JUNE AND WHAT IS THE \$6 MILLION GOING TO TURN INTO. I THINK THIS IS A FOREGONE CONCLUSION THAT THIS BOND IS GOING NOWHERE AND YOU BETTER START MAKING SOME ALTERNATIVE PLANS ON HOW YOU ADDRESS THE NEEDS.

[Time: 02:12:41]

Mayor Lane: THANK YOU, MR. WASHINGTON. THAT COMPLETES THE PUBLIC COMMENT ON THIS ITEM. LIKE I SAID I WOULD LIKE TO START OFF MYSELF BY MENTIONING A COUPLE OF THINGS. THIS COULD BE OR MAYBE SHOULD BE A RELATIVELY SHORT CONVERSATION ON THIS. I WILL FIGURE THAT OUT ONCE WE GET THROUGH SOME OF THE CONVERSATION THAT IS UNDOUBTEDLY GOING TO ENSUE. I BELIEVE ONE OF THE THINGS I ASKED TO MOVE ON AS GUIDANCE TO THE STAFF FROM OUR LAST MEETING WERE TWO ISSUES THAT I RAISED. ONE WAS TO DELINEATE A COUPLE OF SEPARATE ITEMS OUT IN TWO SEPARATE QUESTIONS, FOR JUST THE VERY REASON THAT SOME OF THE COMMENTS WERE MADE ABOUT HOW THE PUBLIC CAN SEE THESE THINGS AND ASSESS THEM. WHEN THAT WAS NOT RECEIVED THE FULL COUNCIL, I HAD REALLY OPTED TO HAVE INDIVIDUAL ITEMS WITHIN A QUESTION LISTED WITH THE TOTAL DOLLAR AMOUNT ON EACH ONE BECAUSE I BELIEVE THE GENERAL PUBLIC HAS A RIGHT TO SEE THE KIND OF MONEY WE ARE APPLYING TO EACH AND EVERY ITEM. I WOULD'VE LOVED TO HAVE HAD 45 OR WHATEVER THE NUMBER OF OTHER QUESTIONS OF THE TOTAL NUMBER OF QUESTIONS WE HAD LISTED IN ITS ENTIRETY BUT THAT IS A PRETTY INEFFECTIVE WAY TO COMMUNICATE A LARGE NUMBER OF PROJECTS ON THE BALLOT.

NEVERTHELESS, THERE WAS AN OPTION TO MOVE TO SOME ADDITIONAL QUESTIONS THAT WOULD'VE AT LEAST PULLED A COUPLE OF ITEMS OUT THAT MAY HAVE BEEN SEPARATELY RECEIVED BY THE PUBLIC AND DETERMINED AS TO WHETHER THEY WERE IN THE BEST INTERESTS, THEIR BEST INTEREST IN THE CITY. SO WITHOUT THAT, HAVING THE QUESTIONS LINE OUT EACH OF THE ITEMS WITHIN WITH THE DOLLAR AMOUNT WAS THE WAY THAT I THOUGHT IT WOULD BE APPROPRIATE. AND THAT WAS ALSO SAYING THAT THAT IS THE AMOUNT OF MONEY WE WOULD APPLY TO EACH ITEM. PUBLIC SAFETY IS A \$50 MILLION QUESTION AND IT HAS PROBABLY ONE DOZEN DIFFERENT ITEMS IN IT. LISTING THOSE PARTICULAR ITEMS AND WE WOULD SAY TO THE PUBLIC THIS IS WHAT WE HAVE WITH THOSE QUESTIONS AND THESE ARE THE AMOUNTS OF MONEY WE HAVE ASSOCIATED WITH THOSE QUESTIONS. GIVEN SOME CONVERSATION WE HAD IN THE ABSENCE OF THE TREASURER, THE CITY TREASURER INFORMED US IT WAS GOING TO BE A DIFFICULT MANEUVER BECAUSE OF BONDING AND BONDING FOR THESE ISSUES.

THEY GENERALLY BUNDLE THE BONDS IN TWO OR THREE ITEMS BUT IF A FACT YOU'VE BONDED FOR THE FULL AMOUNT AND YOU DID NOT USE THE FULL AMOUNT FOR A PARTICULAR PROJECT, THE WAY WE HAD IT THAT UP WITHOUT ANY FLEXIBILITY WOULD HAVE SAID YOU WOULD HAVE BEEN IN VIOLATION. THERE'S A LITTLE BIT OF LATITUDE THERE IF YOU OVERFUNDED A PROJECT A CERTAIN AMOUNT AND YOU CAN APPLY IT TO NEXT YEAR'S DEBT SERVICE, EVERYTHING IS COOL. BUT IF YOU DO NOT, YOU WOULD BE IN VIOLATION. OTHERWISE YOU WOULD HAVE TO ISSUE CALL BONDS WHICH IS ANOTHER EXPENSIVE MECHANISM WHICH WE WOULD RATHER NOT HAVE TO BE INVOLVED IN. SO THE MIDDLE GROUND ON THIS WAS 2A AND 2A ALLOWS FOR THE LISTING OF THOSE PROJECTS WITH THE DOLLAR AMOUNTS BUT NOW SAYING IN ADDITION TO ANY KIND OF SHORTFALL THAT CAN BE APPLIED TO DEBT SERVICE IF IT WAS OVER BONDED, WE HAVE AN AMOUNT OF \$5 MILLION, UP \$50 MILLION QUESTION, 10% WOULD BE \$5 MILLION THAT COULD BE ALLOCATED TO PROVIDE SOME FLEXIBILITY TO TRY TO AVOID SOME OF THE DISTRESSFUL SITUATIONS WE HAD MANAGING THE BOND MONIES AS THEY CAME THROUGH. I DO NOT THINK IT'S A PERFECT OPTION BUT IT'S THE ONE I BELIEVE IS BEST SUITED TO GIVE THE PUBLIC THE BEST AMOUNT OF INFORMATION ON THE INDIVIDUAL PROJECTS AND AT THE SAME TIME OUR FINANCE DEPARTMENT THE ABILITY TO MANAGE THESE BONDING FUNDS WITHIN A RELATIVELY FINE RANGE. I THINK THAT ANYONE IN THE GENERAL

PUBLIC WOULD AGREE THAT A TEN PERCENT VARIATION ON A PROJECT WOULD PROBABLY BE WITHIN A REALM OF REALITY. IF WE ELIMINATED ONE PROJECT AND DECIDED TO FUND ANOTHER ONE AT TWICE THE LEVEL, THAT MIGHT NOT SIT SO WELL WITH A LOT OF PEOPLE , PARTICULARLY IF THEY VOTED FOR THE QUESTION IF THEY WANTED THE ITEM THAT END UP GETTING ELIMINATED. SO I BELIEVE IT IS A MIDDLE GROUND ON THIS AND IT PROVIDES SOME LATITUDE IN THE MANAGEMENT OF BOND FUNDING AND AT THE SAME TIME USES THE ACCOUNTABILITY AND DISCLOSURE THAT THE PUBLIC DESERVES. SO THAT'S MY POSITION AND I WOULD BE OPTING FOR AN ITEM IN RESOLUTION I WOULD BE DEFINING IT AS 2A. DEREK YOU MIGHT EXPLAIN IT TO ME.

Derek Earle: YOU CAN REFER TO IT AS ITEM 2A IN THE AGENDA OR YOU CAN REFER IT TO IT AS ALTERNATE A IF YOU SO CHOOSE.

Mayor Lane: I SUPPOSE ALTERNATE A WOULD BE WHAT I WOULD BE PROPOSING AND IN FACT I WOULD MOVE TO HAVE IT ISSUED THAT WAY. MY TRACK RECORD HAS NOT BEEN REAL GOOD ON THIS. COUNCILMAN LITTLEFIELD?

Councilman Littlefield: BEFORE I PONTIFICATE ON THIS, I HAVE A QUESTION OF THE ESTEEMED CITY TREASURER. WHAT ARE YOUR THOUGHTS ON THE CONCERNS MR. STUART RAISED ABOUT THE BOND COUNSEL'S 2006 CONCERNS? DO YOU HAVE ANY PITHY THOUGHTS ON THAT?

[Time: 02:18:08]

City Treasurer David Smith: MR. MAYOR AND MEMBERS OF COUNCIL MY MOST PROFOUND THOUGHT IS THAT WE SHOULD HAVE BOND COUNSEL OPINE ON THAT. SINCE HE'S HERE WITH US I'LL DEFER TO HIM.

Bond Counsel Scott Ruby: I AM NOT FAMILIAR WITH THE 2006 OPINION BUT I CAN TELL YOU ABOUT BOND COUNSEL OPINIONS IN GENERAL. BOND COUNSEL OPINIONS ARE OFFERED TO THE MARKET IN A FAIRLY STANDARD FORMAT. A FORMAT THAT IS DERIVED PROBABLY OVER 100 YEARS IN THE MARKET. THE MARKET EXPECTS TO SEE A BOND OPINION IN A CERTAIN FORM. THAT FORM HAS BEEN ESTABLISHED AND GOVERNED AND IN MANY RESPECTS WITH THE ASSISTANCE OF THE IRS, THE SEC AND AN ORGANIZATION OF BOND LAWYERS ACROSS THE COUNTRY CALLED THE NATIONAL ASSOCIATION OF BOND LAWYERS. THERE IS EVEN A BOOK PRINTED ON TYPICAL LANGUAGE FOR BOND OPINIONS. THE BOND OPINION STANDARDS ARE CRITICAL AS I MENTIONED TO THE ISSUANCE AND SALE OF THE BOND BONDS BECAUSE THE MARKET LOOKS FOR THAT LANGUAGE AND IT IS CRITICAL TO THE BOND COUNSEL BECAUSE THE FORM OF OPINION WE ISSUE WITH RESPECT TO BONDS IS AN UNQUALIFIED OPINION. THAT IS, ON THE DAY OF ISSUANCE, IT WOULD BE UNREASONABLE FOR A COURT TO HOLD TO THE CONTRARY OF WHAT OUR OPINIONS ARE. OUR OPINIONS IN A BOND OPINION GENERALLY ARE DULY AND VALIDLY ISSUED. THAT THEY ARE ENFORCEABLE IN ACCORDANCE WITH THEIR TERMS, AND THEN MOST IMPORTANTLY THE TAX COMPONENT WHICH IS THE INTEREST PAID ON THE BONDS WILL BE TAX EXEMPT, OR NOT TAXABLE ON BOTH THE STATE AND FEDERAL LEVELS. AS THE GENTLEMAN POINTED OUT, THE BOND OPINION SPEAKS AS TO THE DATE OF ISSUANCE. THERE HAS TO BE AND THERE ARE SOME ASSUMPTIONS MADE IN THERE.

[Time: 02:20:21]

ONE OF THE ASSUMPTIONS, AND A CRITICAL ASSUMPTION IS THAT THE BOND PROCEEDS ARE USED IN ACCORDANCE WITH THE COVENANTS AND REPRESENTATIONS MADE BY THE CITY IN BOTH THE BOND RESOLUTION AND ACCOMPANYING DOCUMENTS. NOT UNCOMMON FOR ANY CONTRACT THAT THE CITY ENTERS INTO, WE EXPECT THAT YOU WILL ABIDE BY WHAT THE RULES ARE IN THOSE DOCUMENTS. THOSE DOCUMENTS DO RELATE TO HOW YOU INVEST PROCEEDS, HOW YOU USE PROCEEDS, WHAT YOU DO WITH EXCESS PROCEEDS, HOW YOU REBATE, ETC. IT'S JUST A LONG LIST OF THINGS THAT INVOLVE BOTH THE TAX EXEMPTION AND THE VALIDITY. IN RECENT TIME, THOSE TYPES OF ISSUES HAVE GAINED EVEN MORE ATTENTION IN THE MARKETPLACE. BEGINNING BACK IN THE LATE 80S, EARLY 90S, THE IRS HAD SOME ISSUES THAT THEY WERE AUDITING. AND THEY WOULD ROUTINELY AUDIT THESE, ROUTINELY EXAMINE BOND ISSUES AND THE IRS PUT MORE OF A FOCUS ON THE POSTCOMPLIANCE PROCEDURES, PROCEDURES WHICH THE IRS ENCOURAGES EVERY ISSUER OF TAX EXEMPT BONDS TO ADOPT. THEY ARE NOT A STATUTE OR ANYTHING LIKE THAT THAT PUTS A GUN TO THE HEAD OF THE ISSUER BUT THEY DO SAY THIS IS A BEST PRACTICE. IN MANY CASES PRACTICES THAT THE IRS IS LOOKING FOR IN THOSE STANDARD POLICIES ARE PRACTICES WHICH ARE FOLLOWED BY MOST MAJOR MUNICIPALITIES. THEY HAVE TO DO EXACTLY WHAT THE TYPES OF THINGS THEY REFERENCED EARLIER. KEEP TRACK OF HOW YOU SPEND THE MONEY, KEEP TRACK OF HOW YOU INVEST THE MONEY, KEEP TRACK OF THE PROJECTS AND WITH SOME LEVEL OF DETAIL. THEY LOOK FOR INVOICES, THEY LOOK FOR CONTRACTS, THEY LOOK FOR INVESTMENT RECORDS ETC. AS YOU MAY RECALL, THE CITY HAS ADOPTED THE POST-ISSUANCE COMPLIANCE POLICIES AND THOSE POLICIES DO SPEAK TO THOSE TYPES OF ISSUES. EVEN PRIOR TO YOUR ADOPTION OF THAT THE IRS HAD COME INTO THE CITY ON OCCASION AND EXAMINED SOME OF YOUR BOND ISSUES, ONE OF WHICH WAS THE 2006 BOND ISSUE IF I'M NOT MISTAKEN. AT EACH AND EVERY TIME, AGAIN THE CITY'S POLICIES THAT THEY HAD IN PLACE IN THE FINANCE DEPARTMENT WITH RESPECT TO HOW OUR BOND PROCEEDS ARE SPEND AND HOW WE CAN SHOW THAT, THEY HAD RECORD KEEPING THAT THE IRS FOUND SATISFACTORY. IN EACH AND EVERY CASE THE IRS ISSUED A LETTER RECOMMENDING NO CHANGE IN THE TAX STATUS OF THOSE BONDS. SO THEY FOUND WHAT YOU HAD IN PLACE EVEN PRIOR TO YOUR ADOPTION OF THE POLICIES WAS PRODUCING A SUFFICIENT TRAIL AND TRACKING OF HOW BOND PROCEEDS WERE SPENT SO THAT WAS NOT JEOPARDIZED.

[Time: 02:23:25]

Councilman Littlefield: SO THE SHORT ANSWER IS WE'RE PAYING YOU BY THE WORD, OBVIOUSLY. THE SHORT ANSWER IS YOU DON'T HAVE ANY CONCERNS THAT OUR BONDS DON'T MEET THE TEST FOR BEING TAX EXEMPT.

Scott Ruby: I HAVE NO CONCERNS WHATSOEVER.

Mayor Lane: THANK YOU. COUNCILMAN ROBBINS.

Councilman Robbins: THANK YOU MAYOR. I WOULD ALSO ASK BOND COUNSEL A QUESTION. HAVE YOU REVIEWED THE ALTERNATE A AND B LANGUAGE. DO YOU HAVE AN OPINION ON THE DIFFERENCE BETWEEN THOSE TWO?

Scott Ruby: I HAD A STRONG HAND IN DRAFTING THESE AND I FIND EACH ALTERNATIVE LEGALLY ACCEPTABLE. THE ALTERNATIVE THAT I BELIEVE THE MAYOR IS REFERRING TO IS THE THE 10 PERCENT. THAT ACTUALLY HAS A LITTLE BIT OF HISTORY IN THE SENSE THAT SCHOOL DISTRICTS HAVE STATUTES THAT GOVERN THEIR BOND PROCESSES WHICH ARE A LITTLE MORE RESTRICTIVE THAN WHAT YOU SEE FIND ON THE CITY STATUTE. THIS 10 PERCENT LANGUAGE IS ACTUALLY BORROWED FROM WHAT YOU FIND, A CLOSE COUSIN OF WHAT YOU FIND IN THE SCHOOL DISTRICT STATUTES.

Councilman Robbins: THANK YOU.

Mayor Lane: THANK YOU COUNCILMAN. COUNCILMAN PHILLIPS.

[Time: 02:24:52]

Councilmember Phillips: BRINGING THIS MORE DOWN TO EARTH, LISTENING TO MS. PHILLIPS AND MR. WASHINGTON, I THINK THEY MADE A GOOD POINT, ESPECIALLY WHAT ARE WE GOING TO DO IF THIS BOND DOESN'T PASS? THE WAY IT LOOKS TO ME, I DON'T THINK IT WILL EITHER. I THINK THERE'S TOO MANY QUESTIONS GOING ON AND ALTHOUGH I BELIEVE IN A BOND, I BELIEVE THAT WHETHER WE HAD THE MONEY OR DIDN'T HAVE THE MONEY, WE NEEDED MONEY AND WE NEED THESE PROJECTS DONE, AND WE SHOULD ALLOW THE VOTERS TO VOTE WHETHER WE HAVE THE PROJECT. BUT THE WAY THIS IS COMING ACROSS, IT REALLY MAKES ME FEEL LIKE IT'S NOT GOING TO HAPPEN AND IF IT DOESN'T HAPPEN WHAT WILL WE DO, TRY TO ISSUE ANOTHER BOND AGAIN, IF WE FAIL THE FIRST TIME WHAT ARE THE PEOPLE GOING TO SAY, WHAT ARE THEY TRYING TO PULL? IF WE WANT THIS BOND TO PASS WE HAVE TO TAKE THE TIME TO MAKE SURE IT WILL PASS. DO I HAVE AN ANSWER TO THAT? NOT REALLY, I DON'T THINK HURRYING UP AND TRYING TO FIGURE OUT HOW TO GET THIS TO PASS TONIGHT IS THE WAY TO GO EITHER. I'M NOT SURE I BELIEVE, MAYBE MS. JAGGER CAN TELL US WHEN DO WE HAVE TILL, TILL LIKE JUNE BEFORE YOU HAVE TO HAVE THIS.

City Clerk Carolyn Jagger: YOUR HONOR AND COUNCILMAN PHILLIPS, WE HAVE UNTIL THE END OF JUNE, EARLY JULY TO NOTIFY THE COUNTY OF THE CALLING OF THE ELECTION AND TO GIVE THEM THE BALLOT LANGUAGE.

Councilmember Phillips: OKAY. SO THAT SOUNDS TO ME LIKE, WHAT'S THE RUSH? IF YOU REALLY WANT THE BOND, MAKE SURE THAT IT WORKS. I DO HAVE A SUGGESTION THAT WE DIRECT STAFF TO GO BACK AND MAKE A STRATEGY OF THE BOND POSSIBLY LIST THE PROJECTS AND EACH QUESTION IN THE ORDER THEY WILL BE DONE. SO MY QUESTION, THE FIRST PROJECT, THAT'S THE FIRST ONE AND IF WE RUN OUT OF BOND MONEY BY THE 9th PROJECT, THAT'S NOT GOING TO GET DONE: IT LETS PEOPLE KNOW AND THEY UNDERSTAND THE DIRECTION IT'S GOING IN. I DON'T BELIEVE THAT IT IS GOING TO PASS. I'M JUST CAUTIONING THE REST OF THE COUNCIL ON THIS.

Mayor Lane: THANK YOU COUNCILMAN. COUNCILMEMBER KORTE.

[Time: 02:27:41]

Councilmember Korte: THANK YOU MAYOR. SO A LOT OF US ARE TRYING TO PREDICT THE FUTURE AND WE CAN'T PREDICT THE FUTURE. WE CAN'T PREDICT THE FUTURE OF COSTS OF PROJECTS,

WHETHER THIS BOND PACKAGE IS GOING TO BE ACCEPTABLE TO THE VOTERS, BUT WHAT I DO KNOW IS THAT THIS BOND PROJECT WAS VETTED OVER 900 HOURS BY THE BOND TASK FORCE COMMITTEE. THEY REVIEWED OVER A BILLION DOLLARS WORTH OF PROJECTS AND VETTED IT AND HONED IT DOWN TO \$212 MILLION. THOSE PROJECTS, 29 OF THEM ARE MUST HAVE PROJECTS. SO WHETHER IT'S PINNACLE PEAK PARK IMPROVEMENTS, THOSE ARE SAFETY ISSUES AROUND PARKING, OR IF IT'S A RADIO SYSTEM UPGRADE FOR OUR PUBLIC SAFETY DEPARTMENTS OR THE GRANITE REEF WATER SHED, THOSE ARE MUST HAVE. TEN PROJECTS OUT OF THE 39 ARE SHOULD HAVE. SHOULD HAVE CIVIC CENTER LIBRARY PHASE NO. 2. I THINK WE ALL BELIEVE IN LIBRARIES. THIS IS ABOUT TAKING THE CHRISTMAS TREE ORNAMENTS OFF OF THE TREE AND CELEBRATING THE TREE AND THE ROOTS AND THE STALK AND ALL OF THAT WITHOUT THE ORNAMENTS. THESE ARE MUST DO PROJECTS. I AM VERY SUPPORTIVE OF THIS BOND PROJECT AND THE REASON WE NEED TO PASS IT TONIGHT IS BECAUSE YES, THERE'S A LOT OF WORK TO DO. WE CAN'T AFFORD TWO MONTHS TO PUT THIS OFF SO THAT WE ARE STILL IN LIMBO. WE HAVE A LOT OF WORK TO DO TO SHARE THIS INFORMATION WITH OUR CITIZENS, WITH THE VOTERS, WITH THE PEOPLE THAT MAKE THIS DECISION. WE NEED THAT TIME TO DO THAT. THERE'S BEEN SOME QUESTION AROUND ACCOUNTABILITY. I SUPPORT ALTERNATE B BECAUSE I BELIEVE WE NEED THE FLEXIBILITY AND I BELIEVE MR. BRAY DID A GREAT JOB OF HIGHLIGHTING THAT FLEXIBILITY. THE ACCOUNTABILITY COMES WITH EVERY PROJECT APPROVAL, COMES BACK TO CITY COUNCIL TO APPROVE THE COST PLAN FOR THAT PROJECT, IT COMES BACK TO THE COUNCIL FOR THE NEXT THREE OR FOUR YEARS. THERE'S A REVIEW OF EVERY PROJECT. THAT IS ACCOUNTABLE. ALSO ACCOUNTABLE IS THAT HISTORICALLY WE HAVE APPOINTED A CITIZENS BOND OVERSIGHT COMMITTEE THAT OVERSEES THESE PROJECTS AND WORKS WITH THE STAFF AND UNDERSTANDS, SPENDS TIME AND TIME UNDERSTANDING THE COST OF THE PROJECTS AND THAT CITIZEN BOND TASK FORCE RECOMMENDS THOSE PROJECTS TO THE COUNCIL. JUST LIKE OUR PRESERVE COMMISSION RECOMMENDS LAND PURCHASES. SO TONIGHT WE NEED TO DO IT. I WOULD LIKE TO MAKE A MOTION. I MOVE TO ADOPT RESOLUTION 9348, CITY OF SCOTTSDALE ARIZONA CALLING A SPECIAL ELECTION TO BE HELD IN AND FOR THE CITY OF SCOTTSDALE NOVEMBER 5, OF \$212,100,000 OF GENERAL OBLIGATION BONDS. I WOULD ALSO LIKE TO ADOPT IN THAT RESOLUTION ALTERNATE B LANGUAGE.

[Time: 02:31:26]

Vice Mayor Klapp: I SECOND.

Mayor Lane: A MOTION HAS BEEN MADE TO ADOPT RESOLUTION 9348 WITH ALTERNATIVE B AND SECONDED BY VICE MAYOR. VICE MAYOR, WOULD YOU LIKE TO SPEAK TO IT?

Vice Mayor Klapp: JUST BRIEFLY. THE ALTERNATE B I BELIEVE OFFERS SOME CLARITY THAT IS NEEDED BECAUSE IT DOES PROVIDE A LISTING OF INDIVIDUAL PROJECTS UNDER EACH BOND QUESTION AND IF YOU GO BACK AND LOOK AT BOND 2000, WE JUST HAD A QUESTION AND KIND OF MENTIONED SOME AREAS WHERE THE MONEY WOULD BE SPENT BUT WE DIDN'T ACTUALLY LIST THE PROJECTS SO THAT MEANS THAT THIS PARTICULAR QUESTION WOULD BE CLEARER AND MORE TRANSPARENT THAN WE DID IN 2000. SO I BELIEVE THE ALTERNATE B IS THE BEST APPROACH AND ADDRESSES SOME OF THE CONCERNS WE HAD IN THE LAST MEETING ABOUT MONIES THAT WOULD BE SPENT ONLY ON THE PROJECTS BECAUSE THEY WOULD BE LISTED AND THE MONIES COULD NOT BE DIVIDED BETWEEN BOND QUESTIONS. IT WOULD BE WHATEVER THE AMOUNT IS LISTED FOR THE TOTAL QUESTION WITH

THE INDIVIDUAL PROJECTS UNDERNEATH SO THAT PROVIDES COMFORT THAT MONIES WILL BE SPENT WHERE VOTERS EXPECT THEM TO BE SPENT. THAT WAS A BIG ISSUE FOR US IN THE LAST DISCUSSION. SO I THINK ALTERNATE B LANGUAGE COVERS THAT WITHOUT LISTING THE INDIVIDUAL AMOUNTS, IT JUST LISTS THE PROJECTS. I THINK ONE OF THE SPEAKERS MADE GOOD ARGUMENTS ABOUT WHY THAT IS NOT NECESSARY AND I BELIEVE THAT IS THE CASE AS WELL. THAT'S WHY I APPROVE THE MOTION.

Mayor Lane: THANK YOU VICE MAYOR. COUNCILMAN LITTLEFIELD.

[Time: 02:33:57]

Councilman Littlefield: I HAVE TO LAUGH. WHEN WE LAST HAD THIS DISCUSSION EVERYBODY WAS CONCERNED ABOUT ACCOUNTABILITY SO THE DIRECTION IT WAS GIVEN TO STAFF WAS TO PUT LANGUAGE IN THAT SAID YOU COULD ONLY USE THE BOND PROCEEDS ONLY FOR THOSE PROJECTS AND AMOUNTS LISTED. NOW ALL OF A SUDDEN WE HAVE AN ALTERNATIVE BY STAFF AND I HEAR AGAIN THE COUNCIL WHICH TOTALLY CONTRADICTS THAT. THE PROBLEM IS FLEXIBILITY, WHEN YOU SAY FLEXIBILITY, THAT SOUNDS LIKE AN OPPORTUNITY TO WEASEL AND IN FACT THAT'S EXACTLY WHAT IT IS. AND TIM BRAY MAY SAY WELL IF WE CAN DO A PROJECT FOR TWO AND A HALF MILLION LESS, WHAT IS WRONG WITH MOVING THAT TO ANOTHER PROJECT, WELL, BECAUSE THAT BETRAYS THE PUBLIC TRUST. IF WE HAVE A TEN MILLION DOLLAR PROJECT AND WE FIND WE CAN DO IT CHEAPER, THEN YOU BOND FOR THAT AMOUNT. IF YOU TAKE THAT EXTRA TWO AND A HALF MILLION AND PUT IT TOWARD ANOTHER PROJECT, THAT'S EXACTLY WHAT THE PUBLIC DOESN'T WANT US TO DO. NOW EVERYBODY UP HERE, IF IT DOESN'T PASS, WHAT ARE WE GOING TO DO? WELL, IF YOU WANT IT TO PASS YOU SHOULDN'T BE ALTERNATING LANGUAGE B BECAUSE YOU MAKE THE PUBLIC MORE DISTRUSTFUL, THE MORE FLEXIBILITY YOU PUT IN IT THE LESS THE PUBLIC WILL TRUST YOU. I AM IN THE SPOT I WAS LAST TIME, WE JUST SHOULD PUT THE 7 OR 8 PROJECTS THAT THE BOND TASK FORCE ORIGINALLY SAID WERE THE ABSOLUTE HAVE TO HAVE, WE SHOULD PUT THOSE DOWN AS LINE ITEMS AND THAT IS WHAT WE SHOULD PUT ON THE BALLOT. NOT 210 MILLION LUMPED INTO FOUR LARGE CLUMPS WHICH I PREDICT WILL FAIL BECAUSE PEOPLE WILL LOOK AT THAT AND SAY I DON'T WANT THIS PROJECT HERE, I'M NOT GOING TO VOTE FOR THIS BIG CLUMP OF PROJECTS WHEN THERE'S ALL THESE IN THERE I DON'T LIKE. SO IF YOU'RE CONCERNED ABOUT THIS PASSING, THEN ALTERNATE B IS EXACTLY THE WORST POSSIBLE LANGUAGE YOU CAN PICK.

[Time: 02:36:23]

Mayor Lane: IT DOES GO OPPOSITE OF WHAT WE DECIDED AFTER THREE AND A HALF, FOUR HOURS OF MEETING LAST TIME. IN THIS PARTICULAR CASE, WE'RE NOT COMPLETELY ALIGNED ON THE SUBJECT, WE CERTAINLY ARE, THAT IS I'M ALIGNED WITH THE COUNCILMAN PHILLIPS AND LITTLEFIELD IN THE SENSE THAT THIS IS AN ISSUE OF TRUSTING OUR PUBLIC TO VOTE FOR A BOND WHERE THEY HAVE A CLEAR IDEA OF EXACTLY WHAT IS ON THE BOND AND WHAT WE ARE LOOKING TO SPEND THE MONEY ON. MY FAILED MOTION WAS ONE THAT GAVE SOME LATITUDE TO ALLOW FOR THE MANAGEMENT OF BOND FUNDS WITHIN THE QUESTIONS BUT AT THE SAME TIME STAY TRUE TO THE IDEA OF LISTED AMOUNTS THAT WERE BEING DEDICATED TO THE SPECIFIC PROJECTS WITHIN. THIS ONE THAT WE HAVE ON THE DECK RIGHT NOW CAN MOVE AROUND IN ALL MANNER OF DIRECTIONS WITHIN THE QUESTION. THE OTHER THING ABOUT THIS AND FRANKLY IT WAS SAID BY A COUPLE OF

THE FOLKS WHO SPOKE TOWARD THIS, WE WANT TO INSTILL TRUST IN THE PUBLIC, NOT TAKE AWAY FROM IT. WE NEED TO HAVE SOME OF THESE PROJECTS IN A BIG TIME WAY. THESE ARE IMPORTANT PROJECTS. I WOULD LIKE TO PUT FAITH IN THE PUBLIC TO SEE THAT WE ARE PRESENTING THEM WITH THE INFORMATION SO THEY CAN MAKE THE DECISIONS. THEY WILL HAVE NO WAY OF KNOWING WHETHER ONE OF THESE PROJECTS IN HERE TAKES THE PREDOMINANCE OF THE MONEY AND IT MAY NOT BE THEIR FAVORITE PROJECT. WE HAVE PROVEN IN THE PAST, DISREGARDING THE PUBLIC'S VOTE ON ITEMS WHETHER WE ARE BY THEM OR NOT, YOU KNOW THAT DOESN'T GO AWAY. I DON'T KNOW HOW MANY PEOPLE REMEMBER IT OR FOLLOW IT BECAUSE IT WAS FUNDED BY A COMPLETELY DIFFERENT METHODOLOGY, ONE THAT WE HAVE STOPPED DOING BECAUSE IT WAS FOOLHARDY AND PUT US ALL AT RISK. SO I DON'T KNOW, I WILL NOT SUPPORT THE MOTION THAT IS ON THE TABLE. I'M SORRY IT IS GOING THIS DIRECTION AND IT IS COMPLETELY OPPOSITE OF THE DECISION MADE HERE. I THINK THOSE OF US LOOKING FOR STRONGER ACCOUNTABILITY AND TRANSPARENCY ARE DIVIDED ON OTHER ISSUES. I'M NOT SURE WHICH WAY THIS WILL END UP GOING. COUNCILMAN PHILLIPS.

Councilmember Phillips: THANK YOU MAYOR. TO YOUR LAST QUESTION OR POINT WAS, I DON'T KNOW WHO YOU'RE TALKING ABOUT BUT I'M NOT FOR ANY PARTICULAR PROJECT. I THINK THEY'RE ALL NEEDED, THAT'S NOT THE THING. IT SOUNDS TO ME AND PROBABLY EVERYBODY OUT THERE, WE ARE NOT IN AGREEMENT. WE ALL HAVE A DIFFERENT IDEA OF HOW THIS SHOULD BE PRESENTED. I THINK WE NEED TO HAVE A CONTINUANCE ON IT. TO COUNCILWOMAN, WE HAVE 29 MONTHS TO HAVE PROJECTS, MAYBE THAT IS HOW THE QUESTION SHOULD BE PRESENTED THEN. THE MUST HAVES, THE SHOULD HAVES AND THE WANTS, INSTEAD OF MIXING THEM TOGETHER. I DON'T THINK THE WAY WE ARE DOING IT RIGHT NOW IS GOING TO WORK. I REALLY CAN'T GO FOR EITHER ONE, A OR B. SO I MOVE THAT WE DIRECT STAFF TO CONTINUE IN THIS AND FIND SOMETHING, SOME KIND OF LANGUAGE THAT COUNCIL CAN AGREE ON AND WE CAN HAVE THE ACCORDANCE.

[Time: 02:39:59]

Mayor Lane: WAS THAT A MOTION.

Councilmember Phillips: THAT WAS A MOTION THAT WE DIRECT STAFF TO CONTINUE THIS TO A LATER DATE SO WE CAN WORK ON A BETTER WAY TO PRESENT THIS TO THE VOTERS.

Councilman Littlefield: SECOND.

Mayor Lane: SECOND. ALL RIGHT. SO THERE'S AN ALTERNATIVE MOTION ON THE TABLE THAT IS TO CONTINUE THIS ITEM FOR ANOTHER RESOLUTION. I DON'T KNOW THAT WE HAVE GIVEN ANY GUIDANCE OTHER THAN THE CONVERSATION THAT ENSUED HERE BUT IT MAY BE A WAY TO GO BUT IT IS LIKE KICKING A CAN DOWN DID ROAD. COUNCILMAN ROBBINS.

[Time: 02:40:54]

Councilman Robbins: THANK YOU, MAYOR. I GUESS I LOOK AT THIS IN TERMS OF BOND 2000 AND THE CITIZENS ACCEPTED THE MAJORITY OF THAT BOND. I GUESS IF I REMEMBER CORRECTLY, FOUR OF THEM WERE SIMILAR TO WHAT WE WERE TALKED ABOUT TONIGHT WHICH WASN'T A LIST BUT PUBLIC SAFETY RISK, 50 MILLION AND SPECIFIC QUESTIONS LIKE HELICOPTER AND OTHER SPECIFIC ISSUES.

THE MAJORITY OF THOSE THINGS PASSED AND WE HAD A CITIZENS BOND OVERSIGHT COMMITTEE. SO I LOOK AT THE WAY WE ARE APPROACHING THIS THIS TIME AND WE ARE LISTING EVERY PROJECT. IN BOND 2000 WE DIDN'T LIST UNLESS IT WAS THE SPECIFIC HELICOPTER OR WHATEVER. SO I THINK WE ARE BEING TRANSPARENT IN HOW WE ARE SPENDING THE MONEY AND WHERE. WE ARE ALSO SAYING WE ARE CAPPING THE DOLLAR AMOUNT PER QUESTION. SO I THINK PEOPLE ARE USED TO SPENDING MONEY IN CERTAIN AREAS, SO WE HAD QUESTIONS LAST TIME THAT WERE SPECIFIC TO DIFFERENT ASPECTS OF THE CITY LIKE I SAID PUBLIC SAFETY OR DRAINAGE OR PARKS AND REC AND THAT KIND OF THING. I THINK PEOPLE ARE USED TO BOND QUESTIONS BEING LAID OUT THAT WAY SO I THINK THE WAY WE ARE PRESENTING IT WITH SPECIFIC PROJECTS AND DOLLAR AMOUNT FOR THAT QUESTION IS APPROPRIATE AND IT'S BEEN SOMETHING THAT HAS WORKED IN THE PAST AND I THINK IT CAN WORK AGAIN. I GUESS I'M A LITTLE WORRIED THAT IF WE USE ALTERNATE A WHERE YOU ACTUALLY PUT A DOLLAR AMOUNT FOR EACH PROJECT, I AGREE WITH WHAT WAS SAID EARLIER WHEN THAT PROJECT ACTUALLY GOES TO FUND OR BID OUT TO CONTRACTORS THAT IT COULDN'T POSSIBLY KNOW WHAT THAT PROJECT IS GOING TO COST ON AN INDIVIDUAL BASIS UNLESS IT GOES TO BID. I MEAN BOND 2000 TOOK 12 YEARS TO COMPLETE. SOME WILL NOT BE BUILT FOR YEARS FROM NOW. THE BACK UP TO THAT IS EACH QUESTION HAS A CAP SO WE WON'T SPEND MORE THAN WE ARE AUTHORIZED TO SPEND. SO I AM FALLING ON THE SIDE OF THE MOTION THAT HAS BEEN MADE, I WILL SUPPORT.

Mayor Lane: COUNCILMAN LITTLEFIELD.

[Time: 02:43:24]

Councilman Littlefield: WELL, COMPARISONS OF BOND 2000 ARE FLAKY FOR TWO REASONS. THE ECONOMY WAS DIFFERENT NOW, THINGS WERE BOOMING THEN AND NOT NOW. SO PEOPLE IN IT WERE IN A DIFFERENT MOOD THAN THEY ARE NOW. THE OTHER THING IS THAT WE HAD AN INTERESTING, IF YOU LOOK BACK AT BOND 2000, WE HAD SOME IN LARGE CLUMPS AND SOME PROJECTS LIKE THE HELICOPTER AND THE LAND THAT WERE BROKEN INTO SPECIFIC PROJECTS. IT WAS A BIG MIX, WHERE AS HERE WE ARE TALKING ABOUT FOUR FAIRLY LARGE CLUMPS OF PROJECTS. ONE OF THE THINGS THAT HAPPENED AS AN EXAMPLE, I WAS TALKING TO THE MAYOR ABOUT, THE VOTERS ACTUALLY TURNED DOWN ONE PROJECT, THE LAND WHICH WE LATER ON WENT AHEAD AND DID USING A DIFFERENT FUNDING MECHANISM. THAT'S THE KIND OF THING I THINK ANNOYS PEOPLE AND CAUSES THEM TO LOSE TRUST IN THE PROCESS AND THAT'S WHY THIS BOND ISSUE WHICH IS ACTUALLY I THINK PRETTY MUCH SKATING ON THIN ICE AS IT IS. YOU MAKE THE ICE THINNER OR POUNDING CRACKS INTO THE ICE BY MAKING THIS MORE FLEXIBLE. THE MORE FLEXIBLE YOU MAKE IT, I HEARD ABOUT THAT THING AT WESTWORLD INCESSANTLY FROM PEOPLE, THEY SAID NO AND THE COUNCIL DID IT ANY WAY WITH A DIFFERENT FUNDING MECHANISM. WE HAVE AN ALTERNATIVE MOTION FROM COUNCILMAN PHILLIPS TO GO BACK TO THE 7 OR 8 PROJECTS THAT THE BOND TASK FORCE IDENTIFIED ORIGINALLY AS THE ABSOLUTE MUST HAVE PROJECTS, PUT THOSE ON THE BALLOT AS LINE ITEMS AND LET PEOPLE KNOW THAT IS WHAT THEY ARE VOTING ON AND THOSE ARE WHAT WE HAVE TO HAVE. IN SOME SENSE THE ARGUMENT ABOUT THE QUESTION OF HOW MUCH FLEXIBILITY WE ARE GOING TO GIVE PEOPLE, I THINK PUTTING THIS OUT AS 212 MILLION DOLLARS. IT'S AN IMPORTANT ARGUMENT BECAUSE THERE'S A PRINCIPLE INVOLVED. AS THE MAYOR SAYS, WE HAVE TO AGREE WITH HIM ON THIS, WE HAVE TO BE MORE ACCOUNTABLE AND WE HAVE TO BE A LITTLE BIT MORE STRAIGHTFORWARD ABOUT HOW WE ARE GOING TO SPEND THIS MONEY.

Mayor Lane: THANK YOU, COUNCILMAN. VICE MAYOR.

[Time: 02:46:15]

Vice Mayor: I JUST WANTED TO SAY WE HAVE A SECOND MOTION ON THE FLOOR. I WOULD LIKE TO CALL FOR THE QUESTION.

Mayor Lane: SECOND TO THE CALL FOR THE QUESTION.

Councilwoman Milhaven: SECOND.

Mayor Lane: ALL RIGHT. ARE WE READY TO VOTE ON THAT ITEM?

Vice Mayor Klapp: THE ALTERNATE MOTION.

Councilmember Korte: COULD WE REPEAT THE MOTION?

Mayor Lane: COUNCILMAN.

Councilmember Phillips: THE MOTION IS I MOVE WE CONTINUE THIS UNTIL WE CAN DIRECT STAFF TO FIGURE OUT SOME ALTERNATE WAYS TO DO THIS. POSSIBLY BY LISTING THEM SEPARATELY, THEY CAN GO DOWN 45 QUESTIONS AND DECIDE. WE DID THAT WITH YOU KNOW THE NATIONAL VOTE, WE HAD MORE QUESTIONS ON THAT. I THINK THERE'S OTHER ALTERNATIVES, SO I MOVE WE CONTINUE THIS TO A LATER DATE UNTIL STAFF COMES UP WITH BETTER STRATEGIES.

Mayor Lane: THANK YOU COUNCILMAN. MS. JAGGER.

Carolyn Jagger: YES, YOUR HONOR. I WANT TO CLARIFY THAT THE FIRST VOTE IS THE CALL FOR THE QUESTION.

[Time: 02:48:26]

Mayor Lane: YES. OKAY. I THINK WE ARE READY TO CALL FOR THE QUESTION, ALL IF IN FAVOR OF CALLING FOR THE QUESTION. IT'S UNANIMOUS. CALL FOR THE QUESTION SO WITH NO FURTHER QUESTION ON THE ALTERNATIVE MOTION. WE ARE READY TO VOTE ON THE ALTERNATIVE WHICH IS A MOTION TO CONTINUE. ALL THOSE IN FAVOR INDICATE BY AYE, ALL THOSE OPPOSED INDICATE BY NAY. MOTION FAILS FIVE TO TWO WITH COUNCILMAN LITTLEFIELD AND PHILLIPS GOING FOR IT. SO WE ARE LEFT WITH THE ORIGINAL MOTION, I WOULD LIKE TO MAKE ONE FINAL COMMENT ON IT, I SUPPOSE AND THAT IS THAT I DO BELIEVE THAT ONE OF THE THOUGHTS IN THIS PROCESS IN ITEM B IS THAT WE DON'T WANT TO HAVE THE AMOUNTS ON THERE BECAUSE WE FEEL IT WOULD ADD TOO MUCH QUESTION TO THE BALLOT AND PEOPLE GIVEN THIS INFORMATION MAY MORE LIKELY NOT VOTE ON A QUESTION BECAUSE OF THE IDENTIFICATION OF THE ITEM AND THE AMOUNT AND I THINK THAT IN AND OF ITSELF IS A PROBLEM SO I FIND MYSELF ON THE WRONG SIDE OF THIS ONE. SO WITH THAT THERE'S NO FURTHER COMMENTS THAT I CAN SEE.

Councilwoman Milhaven: MAYOR IF I CAN PLEASE COMMENT.

Mayor Lane: YES, CERTAINLY.

Councilwoman Milhaven: MAYOR, DID I HEAR EVERYBODY SAY AND I AGREE WE ALL WANT TRANSPARENCY AND ACCOUNTABILITY. BUT I THINK THERE'S A MATTER OF WHAT MORE WE NEED TO DO AND I THINK THERE'S A PRACTICAL IMPLICATION THAT DO WE HAVE THE FLEXIBILITY TO MAKE THE PROJECTS IN THE QUESTION HAPPEN. WE HAVE A RECENT EXAMPLE OF THIS, IT CAME BACK BEING SIGNIFICANTLY OVERBUDGET, WITHOUT THE FLEXIBILITY OF DOING IT RIGHT.-SO I THINK THAT THE TRANSPARENCY AND THE ACCOUNTABILITY IS THERE IN TERMS OF LISTING THE PROJECTS WITH BONDS. THIS ISN'T ABOUT TRYING TO WEASEL AS ONE MEMBER SAID BUT GETTING THE FLEXIBILITY TO ENSURE THE PROJECTS IN THE QUESTION HAPPEN.

Mayor Lane: THANK YOU COUNCILWOMAN. THE ORIGINAL MEASURE IS ON THE TABLE AND BEEN SECONDED. ALL THOSE IN FAVOR INDICATE BY AYE, OPPOSED BY NAY. BOND LANGUAGE PASSES FOUR TO THREE WITH MYSELF, COUNCILMEN LITTLEFIELD AND PHILLIPS OPPOSING. THAT COMPLETES ITEM 23.

**ITEM 25: LAS AGUAS REZONING (8-ZN-2012)**

[Time: 02:51:45]

NEXT ITEM IS NO. 25, THE REQUEST IS TO ADOPT PLAN PUBLIC RECORD AS A PUBLIC RECORD AND TWO TO ADOPT ORDINANCE NO. 4056 APPROVING A ZONING DISTRICT MAP AMENDMENT FROM HIGHWAY COMMERCIAL DISTRICT TO PLANNED UNIT DEVELOPMENT WITH AMENDED DEVELOPMENT STANDARDS. AND DETERMINING THAT THE PROPOSED ZONING DISTRICT MAP AMENDMENT IS CONSISTENT AND CONFORMS WITH THE ADOPTED GENERAL PLAN ON A 5 PLUS GROSS ACRE SITE. WE HAVE MS. CHAFIN PRESENTING.

[Time: 02:52:28]

Senior Planner Kim Chafin: GOOD EVENING MAYOR. THIS EVENING YOU ARE CONSIDERING THE LAS AGUAS PROJECT, LOCATED ON THE NORTH SIDE OF MCDOWELL ROAD, ROAD JUST WEST OF 68<sup>TH</sup> STREET, IMMEDIATELY ADJACENT TO THE Arizona CANAL. IT'S BOUNDED ON THE NORTH BY SINGLE STORY, SINGLE FAMILY RESIDENTIAL. ACROSS MCDOWELL HERE ON THE SOUTH IS AN AUTOMOBILE DEALERSHIP AND TO THE EAST IS OFFICE AND COMMERCIAL. THIS IS A CLOSE-UP OF THE SITE AND YOU CAN SEE THIS IS THE FORMER BUICK SITE. ALL BUILDINGS ARE PROPOSED TO BE DEMOLISHED. THE DEVELOPER PROPOSES TO REZONE TO PLANNED UNIT DEVELOPMENT IN ORDER TO CONSTRUCT 154 MULTIFAMILY UNITS. AS YOU CAN SEE HERE, THE PLAN INCLUDES TWO VEHICULAR ACCESS POINTS OFF MCDOWELL. THIS WILL BE A GATED COMMUNITY AND THEY WILL HAVE A POOL AND CLUBHOUSE NEXT TO THE LEASING OFFICE. IN ADDITION TO THE TWO LEVEL PARKING STRUCTURE, THERE'S SURFACE PARKING, SOME WILL BE LOCATED UNDER CARPORTS. HERE'S A STREETSCAPE PERSPECTIVE FROM MCDOWELL ROAD, A NEW EIGHT FOOT WIDE SIDEWALK. IT WILL BE SEPARATED WITH LANDSCAPING. THE PEDESTRIAN ENTRY WILL LINE NEXT TO THE VEHICLE ACCESS POINTS AND THEY WILL LEAD TO A 6' INTERNAL SIDEWALK. ENHANCED PEDESTRIAN CONNECTIONS ARE PROPOSED. THIS

ONE NEXT TO THE CANAL, THIS WILL HELP TO CONNECT THE RESIDENTS OF THESE APARTMENTS TO THE PATH ALONG THE CANAL AND THIS SHADED ENTRY POINT AND BICYCLE PARKING. A STOOP ENTRY YOU CAN SEE HERE FOR DIRECT PEDESTRIAN ACCESS FROM MCDOWELL SIDEWALK TO THEIR UNIT AND THE MCDOWELL ROAD STREETScape ALSO FEATURES A STRUCTURE ABOVE THE MAIN ENTRANCE AND FOUR SEPARATE TWO AND THREE STORY BUILDINGS. THE POOL CLUBHOUSE AND LEASING OFFICE ARE FLANKED BY THREE STORY BUILDING AND FURTHER NORTH OF THE 3 STORY BUILDING A ROW OF TWO STORY UNITS AND THE DRIVE AISLE THAT WILL ENCIRCLE THE COMPLEX. THE NORTH AND EAST PROPERTY LINES ARE LINED WITH PRIVATE GARAGES. TO BUFFER THE RESIDENCES UP HERE TO THE NORTH, THERE'S NO NORTH FACING BALCONIES ON ANY OF THE UNITS. THIS SECTION IS SHOWING THE OTHER THINGS TO BUFFER THE SINGLE STORY RESIDENCES. THERE'S AN EXISTING 7-FOOT WALL AND IT WILL BE REPLACED WITH AN 8-FOOT 8-INCH WALL. A DENSE ROW OF TREES AND THE GARAGES THAT WILL LINE THE NORTH PROPERTY LINE WILL BE 19 FEET TALL AND THE DEVELOPER HAS INDICATED THAT THE TALLER GARAGES ARE IN RESPONSE TO THE RESIDENTS' REQUEST SO IT WILL PROVIDE MORE OF A BUFFER FOR THE RESIDENCES THAT ARE THERE AS WELL AS THE LACK OF NORTH FACING BALCONIES. THERE ARE TWO AMENDED DEVELOPMENT STANDARDS REQUESTED. ONE WAS TO ALLOW THOSE GARAGES I MENTIONED TEN FOOT CLOSER TO THE SINGLE FAMILY RESIDENTIAL DISTRICT, ALSO TO ALLOW THE GARAGES TO BE TALLER TO CREATE A BUFFER. THE DEVELOPMENT REVIEW BOARD REVIEWED THOSE STANDARDS AND RECOMMENDED APPROVAL. THE PLANNING COMMISSION FINDS THAT THE PLAN UNIT CRITERIA HAVE BEEN MET AND THAT THE PROZONING MAP CONFORMS WITH THE ADOPTED GENERAL PLAN AND THE PLANNING COMMISSION IS RECOMMENDING THAT THE COUNCIL APPROVE THE ZONING PLAN FROM C3 TO PUD AND I AM AVAILABLE FOR QUESTIONS. THANK YOU.

Mayor Lane: THANK YOU MS. CHAFIN. WE DO HAVE A NUMBER OF CARDS FOR... I'M SORRY, THE APPLICANT, PLEASE, MR. BERRY.

[Time: 02:57:24]

Attorney John Berry: I CAN TAKE A HINT BUT YOUR BOND COUNCIL SPOKE FOR MUCH LONGER THAN I WILL. MEMBERS OF THE COUNCIL, JOHN BERRY. MAYOR, THIS IS A DOWN ZONING REQUEST FROM YOUR SECOND MOST INTENSE COMMERCIAL DISTRICT THAT EXISTS IN THE CITY OF SCOTTSDALE. IT'S A REQUEST TO TAKE THAT ZONING AND TURN IT INTO A RESIDENTIAL ZONING DISTRICT. NOW IT IS CERTAINLY NO SECRET TO ALL OF US AND MOST FOLKS IN THE CITY THAT A MAJOR GOAL OF THE CITY FOR A NUMBER OF YEARS AND OF EVERY CANDIDATE THAT RAN FOR CITY COUNCIL THAT RAN FOR MAYOR IN THE LAST ELECTION THAT THE REVITALIZATION OF MCDOWELL ROAD IS A MAJOR GOAL OF THIS CITY. IN FURTHERENCE OF THAT GOAL, WE APPOINTED A CITY TASK FORCE TO STUDY THE ISSUE OF MCDOWELL ROAD. THEIR RECOMMENDATIONS WERE INCORPORATED INTO THE SOUTHERN SCOTTSDALE CHARACTER AREA PLAN. THE SOUTHERN SCOTTSDALE CHARACTER AREA PLAN WAS A CITIZEN DRIVEN PROCESS, NOT A PLANNING DRIVEN OR STAFF DRIVEN, BUT A CITIZEN DRIVEN PROCESS THAT TOOK OVER TWO YEARS AND IN 2010 THAT PLAN RESULTED IN LAND USE POLICIES AND ONE IS TO ENCOURAGE NEW RESIDENTIAL DEVELOPMENT. THAT SAME CITIZEN DRIVEN SOUTHERN SCOTTSDALE CHARACTER AREA PLAN IDENTIFIED THE AREA WHERE THIS PROPERTY IS LOCATED, AS THE PAPAGO REGIONAL CENTER. AN IMPORTANT AREA TO FOCUS ON CERTAIN TYPES OF USES AND THAT INCLUDED BRINGING RESIDENTIAL TO THIS AREA. NOW BOTH THE MCDOWELL ROAD TASK FORCE AND THE SOUTHERN SCOTTSDALE CHARACTER AREA PLAN RECOGNIZED THAT THE

REVITALIZATION FACES SOME PRACTICAL CHALLENGES. THAT PRACTICAL CHALLENGE WE ARE SEEING THIS EVENING. THAT PRACTICAL CHALLENGE IS THAT, LET TAKE FOR EXAMPLE, THIS IS MCDOWELL ROAD AND SCOTTSDALE ROAD, YOU SEE FRONTING ON BOTH SIDES, STRIPS OF COMMERCIAL AND IMMEDIATELY ADJACENT TO THEM ON BOTH SIDES OF MCDOWELL YOU SEE SINGLE FAMILY HOMES SEPARATED BY AN ALLEY WAY RIGHT UP NEXT TO COMMERCIAL ZONING, THEY ARE LONG AND NARROW WITH A FEW EXCEPTIONS WHICH PRESENTS CHALLENGES TO HOW DO WE REVITALIZE THESE TYPES OF SITES?

[Time: 03:00:14]

WELL, THAT CONDITION, THAT CHALLENGE CERTAINLY EXISTS ON THIS PROPERTY. THIS IS A VIEW TO THE RIGHT OF THE EXISTING ABANDONED PROPERTY, THEY WERE OPEN TO THE NEIGHBORHOOD. SO THIS IS THE EXISTING ALLEY WAY AND HOMES ADJACENT TO THE SECOND MOST INTENSE COMMERCIAL ZONING DISTRICT IN THE CITY WHICH WAS PREVIOUSLY AN AUTOMOBILE DEALERSHIP. HOW DO WE RESPOND TO THIS CHALLENGE TO TRY TO BE SENSITIVE TO THE NEIGHBORS' CONCERNS CONCERNING THE REVITALIZATION OF MCDOWELL ROAD. ONE OF THE THINGS WE DID, VERY IMPORTANTLY, DOWN AT THE BOTTOM IS MCDOWELL ROAD. THIS IS THE ALLEY WAY WITH THE HOMES RIGHT UP AGAINST IT FROM THAT PICTURE WE JUST SHOWED YOU. ONE OF THE VERY IMPORTANT THINGS WE DID TO ADDRESS THIS CHALLENGE IS ALONG THE BORDER WITH THOSE SINGLE FAMILY HOMES, WE PUT IN ONE STORY GARAGES. UNLIKE MANY MULTIFAMILY PROJECTS, THEY OFTEN HAVE ON THE SECOND FLOOR SPACE AVAILABLE FOR RESIDENTS, NOT IN THIS CASE. IN THIS CASE THEY ARE CLEARLY ONE STORY, UNINHABITED GARAGES. IN THE GREEN TWO STORY ALONG MCDOWELL AND THEN THREE STORY UNITS ALONG MCDOWELL. ONE OF THE THINGS WE TRIED TO DO THIS THIS TIME THAT WE WORKED WITH FOLKS IS TO LISTEN TO THE NEIGHBORS, OR TO THE NEIGHBORS THAT AGREED TO MEET WITH US. WHEN WE MET WITH THOSE FOLKS, ONE OF THE THINGS THEY SUGGESTED WAS THAT THESE GARAGES, THE ONE STORY GARAGES HAVE A ROOF THAT WAS PITCHED TO A GREATER DEGREE THAN A TYPICAL GARAGE. FOR EXAMPLE YOU HAVE THE SINGLE FAMILY HOME, THE ALLEY WAY AND A GARAGE WITH A PITCHED ROOF. YOU CAN SEE THAT WHAT THAT DOES IS THE THE SITE LINE IS THAT IT BLOCKS THE BUILDINGS IN THE DISTANCE. THAT WAS AN IDEA THAT THE IMMEDIATELY ADJACENT NEIGHBORS CAME UP WITH. THIS IS A VIEW THAT SHOWS THE EXISTING BUILDING BEHIND IT. WE FURTHER RENDERED WHAT THEIR IDEA WOULD LOOK LIKE. FROM THAT SAME BACKYARD, YOU'VE GOT THE ONE STORY GARAGE WITH A TILE ROOF, NOT AN ASPHALT SHINGLE, BUT A TILE ROOF WITH THE VEGETATION IN BETWEEN. AGAIN, FOR THOSE NEIGHBORS THAT WOULD MEET WITH US, WE LISTENED AND WE AGREED TO SEVERAL OF THEIR REQUESTS AND THEY ARE EMBODIED IN THE AGREEMENT. HERE WERE SOME OF THE ISSUES WE AGREED TO; THE GARAGE WITH THE PITCHED ROOFS, WHICH WE TALKED ABOUT; RAISING THE ALLEY WALL, THIS WALL HERE WHICH IS CURRENTLY 7 FEET TALL TO 8 FEET-8-INCHES; GATING AND LOCKING THE DUMPSTER; RAISING THE EAST WALL ALONG THE EAST PROPERTY LINE FROM 3 FEET TO 6 FEET. THEY WANTED DENSE FAST GROWING VEGETATION ALONG THE RAISED WALL AND WE AGREED ON THE TYPE, PLANTED 15 FEET APART, USUALLY THEY ARE 30. WHEN THEY ARE PLANTED THEY HAVE TO HAVE A THREE INCH CALIBER TRUNK. THEY GROW FAST. SO THE NEIGHBORS REQUESTED THE TYPE OF TREE AND HOW PLANTED. THEY DID NOT WANT TO SEE MORE THAN 160 UNITS. WE ARE AT 154. THEY WANTED NO NORTH FACING BALCONIES. WE AGREED TO THAT. THEY WANTED THIS TO BE A GATED COMMUNITY. WE AGREED TO THAT. THEY WANTED US TO TRY TO MAINTAIN THE TREES, WE AGREED TO THAT. THEY HAD A VERY SPECIFIC CONSTRUCTION SCHEDULE. CERTAINLY IN ADDITION TO PAYING

ATTENTION TO THE NEIGHBORS TO THE NORTH THAT WOULD MEET WITH US, WE WANTED TO PAY ATTENTION TO MCDOWELL ROAD. STAFF GAVE YOU THIS IN THEIR PRESENTATION. WE WANTED TO IMPROVE THE CONDITIONS ON MCDOWELL ROAD. SO WHAT ARE WE DOING ALONG MCDOWELL ROAD? WE ARE REQUIRED TODAY PUT IN AN EIGHT FOOT SIDEWALK TO SEPARATE IT FROM MCDOWELL ROAD, TO LANDSCAPE IN BETWEEN, A CANOPY OF SHADE TREES OVER THE SIDEWALK. WE ARE PROVIDING FRONTYARD STOOPS TO CREATE PEDESTRIAN INTERACTION ON MCDOWELL ROAD.

[Time: 03:05:50]

IN 2007 THE CITY COMMISSIONED A STUDY BY GRUEN, GRUEN AND ASSOCIATES, A VERY WELL KNOWN CONSULTING FIRM. ONE OF THEIR FINDINGS IN 2007 WE ARE JUST NOW IMPLEMENTING, THE PROCESS OF REZONING OBSOLETE USES. THIS IS AN ABANDONED CAR DEALERSHIP, BY ZONING TO HIGH DENSITY HOUSING, WIDER EMPLOYMENT BASE AND FOR MORE PATRONS IN RESTAURANTS. RETAIL FOLLOWS ROOF TOPS. WE ARE BRINGING NEW ROOF TOPS TO MCDOWELL ROAD, ROOF TOPS TO SUPPORT EXISTING SMALL BUSINESSES IN THIS AREA AND BRINGING NEW ROOF TOPS, NEW CUSTOMERS TO ATTRACT NEW RETAIL, NEW BUSINESSES AND NEW EMPLOYMENT TO THIS PART OF SCOTTSDALE. MAYORS AND MEMBERS OF THE COUNCIL IN SUMMARY, THIS IS A DOWN ZONING THAT IMPLEMENTS THE GOALS AND POLICIES OF CITIZEN DRIVEN PLANS. IT PROVIDES BUFFERING TO EXISTING HOMES AND IMPLEMENTS THE STIPULATIONS OF THE NEIGHBORS THAT WOULD MEET WITH US. WE HAVE DOUBLED THE REQUIRED OPEN SPACE IN THIS PROJECT. IT'S A \$25 MILLION REINVESTMENT IN THE MCDOWELL ROAD CORRIDOR. I'D BE HAPPY TO ANSWER ANY QUESTIONS. WE HAVE LETTERS AND PETITIONS IN SUPPORT FROM 116 AREA BUSINESSES ALONG MCDOWELL ROAD AND 69 AREA RESIDENTS FOR A TOTAL OF 185. HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

Mayor Lane: THANK YOU. WE WILL GO TO PUBLIC TESTIMONY FIRST. START WITH KELLY VAUGHN AND FOLLOWED BY SONYA EDMOND.

[Time: 03:08:15]

Kelly Vaughn: MAYOR VICE MAYOR AND COUNCIL MEMBERS. I MOVE THAT WE CONTINUE THIS DUE TO THE CHANGES IN THE EXHIBITS THAT WERE SUBMITTED THAT I HAVE NOT BEEN ABLE TO VIEW YET. THIS OCCURRED LESS THAN TEN DAYS PRIOR TO THIS MEETING. ONE OF THOSE I BELIEVE WOULD CHANGE THE SIZE OF THE PROJECT TO UNDER FIVE ACRES. HOWEVER, WHAT HAS BEEN APPROVED SO FAR WITH THE PLANNING AND DEVELOPMENT HAS BEEN FOR AN OVER FIVE ACRE SITE SO I'M INTERESTED IN KNOWING THE IMPLICATIONS, NOW THAT THE SITE IS SMALLER BUT WE APPROVED IT FOR A LARGER SITE. SO, BASED ON THE NEW EXHIBITS I REQUEST THAT WE CONTINUE THIS.

Mayor Lane: THANK YOU. NEXT IS SONYA EDMOND FOLLOWED BY LISA SAMPSON.

[Time: 03:09:39]

Sonya Edmond: HELLO MY NAME IS SONYA EDMOND. I ALSO WOULD LIKE TO CONTINUE. I WORK A DOUBLE SHIFT AS A NURSE AND I'M SORRY I DIDN'T BRING MY PAPERWORK. I WILL TALK BRIEFLY ABOUT COMING OVER THE MCDOWELL MOUNTAINS FROM THE AIRPORT. SCOTTSDALE HAS A CHANCE

TO DO IT RIGHT BECAUSE RIGHT NOW THAT LOT IS JUST ABOUT EMPTY. THE VIEWS WITH THE MOUNTAINS IS BEAUTIFUL AND I WOULD HATE FOR SCOTTSDALE TO MAKE HASTE OF RUINING THIS BEAUTIFUL AREA THAT WE WERE GIVEN. IT DOESN'T HAVE TO BE BUILT. I HAVE THOUGHT OF AN IDEA THAT I HAVE PICTURES OF, OF HAVING A WELCOME CENTER AND MAYBE A BED AND BREAKFAST SO THAT PEOPLE THAT ARE LEAVING CALIFORNIA BECAUSE OF WHAT IS HAPPENING THERE, WE CAN GET SOME OF THEM AND PLAN AND GRAB SOME OTHER OF THESE PEOPLE THAT WANT TO BE A PART OF SCOTTSDALE BECAUSE IT IS BEAUTIFUL, IT IS DIFFERENT AND TO HAVE A THREE STORY APARTMENT COMPLEX RIGHT AT MCDOWELL, THAT BLOCKS THE VIEWS, THAT'S WHY I ASK TO CONTINUE SO I CAN BRING THEM AND YOU CAN SEE THEM, THEY ARE BEAUTIFUL, WITH THE VISITOR CENTER, MAYBE A HORSE AND BUGGY OR A BICYCLE RIDER, WHERE PEOPLE THAT COME INTO PHOENIX AIRPORT WILL WANT TO GO TO SCOTTSDALE AND THEN BRANCH OUT BECAUSE THE VISITOR CENTER WILL HAVE EVERYTHING THERE FOR THEM. AND SORRY. I JUST THINK THAT THE FIRST IMPRESSION STAYS WITH YOU FOR EVER AND SCOTTSDALE WE HAVE A CHANCE NOW TO MAKE IT RIGHT. AND HAVING BALCONIES COMING UP OVER THE MOUNTAINS WHERE PEOPLE HANG CLOTHES OR USE IT FOR STORAGE, THAT WOULD NOT BE A GOOD SIGHT. I DON'T KNOW HOW MUCH TIME I HAVE LEFT BUT I'M NOT AGAINST APARTMENTS, 7500 WERE COMING INTO SCOTTSDALE, MAYBE IT IS THOUSANDS INTO SOUTH SCOTTSDALE. I HAVE GONE TO 17, I THINK, APARTMENTS IN SCOTTSDALE AND MANY ARE VACANT. SO I WOULD LIKE FOR YOU TO THINK ABOUT WHERE YOU PUT THE APARTMENTS SO IT WON'T HELP THE DISTRICT THAT IS-

Mayor Lane: YOU ARE OUT OF TIME IF YOU CAN WRAP IT UP.

Sonya Edmond: THANK YOU VERY MUCH FOR LISTENING.

Mayor Lane: THANK YOU. PLEASE I ASK THAT WE DON'T APPLAUD OR BOO, THAT'S NOT THE FORUM FOR THAT. THANK YOU FOR COMPLYING. NEXT IS LISA SAMPSON WHO HAS DONATED TIME FROM ANN HOLLAND, KEN BROWNING, TERRY WESTFALL.

[Time: 03:13:40]

Lisa Sampson: I SUPPOSE THAT INSINUATES YOU WANT ME TO SPEAK...

Mayor Lane: I WILL GIVE YOU SIX MINUTES.

Lisa Sampson: THAT'S FINE. I ALSO LIKE...

Mayor Lane: THAT WILL GIVE YOU SIX MINUTES.

Lisa Sampson: NINE MINUTES?

Mayor Lane: NO.

Lisa Sampson: WITH THOSE SIX MINUTES I WOULD ALSO LIKE EVERYONE TO BE AWARE, AND I WOULD LIKE TO RECOGNIZE THE NEIGHBORS AFFECTED BY THIS PROJECT TO WALK OVER HERE AND BE WITH ME. I WOULD APPRECIATE THAT IF THE COUNCIL ALLOWS.

Mayor Lane: THAT'S FINE.

Lisa Sampson: I'M NOT IN THE LEGAL AFFECTED AREA BUT I'M A RESIDENT IN SOUTH SCOTTSDALE AND THIS PROJECT IS A PROJECT THAT YOU SAY IS VERY SENSITIVE TO OUR NEEDS. MR. BERRY, YOU SAY YOU TALKED TO THE RESIDENTS. WELL, WE DON'T WANT MORE APARTMENTS. WE HAVE MET MANY TIMES AND WE FEEL THERE'S SUFFICIENT AMOUNTS BEING BUILT. IT'S NOT A CITIZEN DRIVEN PLAN BECAUSE YOU ARE LOOKING AT A LOT OF CITIZENS THAT DO NOT WANT THIS. I WOULD LIKE TO TAKE MY TIME THAT WAS CAREFULLY CRAFTED BY EVERYONE HERE THAT HAS HAD A CHANCE TO LOOK AT IT AND MAKE AN IMPACT. WOE THE RESIDENTS LIVING DIRECTLY NORTH OF THE PROPOSED DEVELOPMENT I AM INSISTING YOU WAIT FOR A FINAL DECISION. WE WOULD LIKE A CONTINUANCE. THE DEVELOPER HAS HAD SEVERAL. THERE IS NO IMMEDIATE NEED TO REZONE THIS. PUSH THE PAUSE BUTTON. PLEASE THINK ABOUT HOW YOU REALLY WANT THE FIRST VIEWS FOR ALL THE EASTBOUND TRAFFIC AND AIRPORT ARRIVALS ENTERING OUR LOVELY CITY. THIS IS A WONDERFUL OPPORTUNITY FOR A FANTASTIC FIRST IMPRESSION. WHAT HAPPENS ON THAT AREA WILL SET THE STAGE FOR SOUTH SCOTTSDALE RENEWAL. THIS WILL INFLUENCE OUR FUTURE. MAYOR LANE, YOU SAY WE MUST PROTECT THE IMAGE, REZONING IS NOT THE ANSWER. IT OPENS THE DOOR TO ANY DEVELOPMENT, NOT A THOUGHT OUT PLAN. WE FEEL WORKING WITH AN URBAN DEVELOPER AND WORKING WITH ASU AND SCOTTSDALE COMMUNITY COLLEGE IS A MUCH BETTER WAY TO GO TO DEVELOP OUR FIRST IMAGE AT THE TRY CITY AREA. THIS IS NOT PROGRESS. MORE UNNECESSARY APARTMENT DWELLERS WILL NOT BE HEALTHY FOR OUR NEIGHBORHOOD. YOU SPOKE EARLIER HOW THE BIGGEST IS RESIDENTIAL BURGLARY, THIS WILL RAISE THE CRIME IN OUR NEIGHBORHOOD AND YOU TOOK A LOT OF TIME TO BECOME HISTORIC, THE STREETS, THEY ARE ALL REPRESENTED HERE THIS MOMENT WITH ALL THESE CITIZENS AND RESIDENTS THAT ARE OPPOSED.

THIS IS NOT PROGRESS. THIS IS THE WRONG CHOICE AND NOT THE ANSWER, WE WHO SUPPORT GROWTH WITH A CONSCIENCE, WE DO NOT WANT MORE APARTMENTS, THEY ARE NOT THE ANSWER. WE ARE NOT ANTIDEVELOPMENT, WE JUST DON'T NEED OR WANT ANYMORE APARTMENTS ON THAT SITE. WE ARE REBOUNDED AND HOMEOWNERS CAUGHT IN A BUBBLE ARE REACHING OUT FOR THE AMERICAN DREAM TO OWN A HOME, NOT AN APARTMENT. LET'S BE PART OF THE RESOLUTION NOT THE PROBLEM. REZONING THIS LAND WILL ONLY BE HELPING A DEVELOPER TO MAKE A FAST BUCK AFTER BUYING HOMEOWNERS' TRUST AND TELLING THEIR SELF-RESPECT. PREVENTION AND PLANNING WILL BE CHEAPER THAN URBAN DEVELOPMENT LATER. WE URGE YOU WHO WE VOTED INTO OFFICE TO GO TO THE ABANDONED SITE AND WATCH THE SUN SET LIKE SONYA WAS TALKING ABOUT, LOOK OVER THE MOUNTAINS, YOU OWE SCOTTSDALE RESIDENTS THAT MOMENT, LET YOUR MIND AND IMAGINATION TAKE IN THE VIEW. IT'S ONE OF THE HANDFUL VERY SPECIAL PLACES IN SCOTTSDALE THAT WILL PIONEER TO OUR CITY. WE RESIDENTS HAVE WONDERFUL DEVELOPMENT IDEAS AND ONE WAS JUST PRESENTED, WELCOME, GATEWAYS INTO OUR SOUTH IS THE SCOTTSDALE AREA. YOU WILL BE STANDING UP FOR ALL OF SCOTTSDALE WHEN YOU WAIT UNTIL THERE IS A CLEAR DIRECTION OUTLINED WITH RESIDENTS FOR THIS MCDOWELL CORRIDOR. PLEASE, SIR MAYOR AND CITY COUNCIL, WE URGE YOU HIRE AN URBAN PLANNER, ASK ASU TO DEVELOP FRESH IDEAS. LISTEN TO US RESIDENTS AND BUSINESS OWNERS. TAKE TIME TO UNDERSTAND ALL THE POSSIBILITIES AND THEN DECIDE.

PLEASE DON'T RISK OUR FUTURE AND JUMP INTO THIS DEVELOPMENT. IT WILL BE THERE A VERY LONG TIME. YOU CANNOT UNDO YOUR VOTE. PLEASE VOTE NO. CREATE THE TIME TO DEFINE OPTIONS. TIME TO TRULY CONSIDER WHAT IS BEST FOR SCOTTSDALE, NOT A DEVELOPER, THIS HAS HAPPENED IN THE PAST AND WE KNOW OF SPECIFIC FOLKS IMPACTED AND WORKED WITH DEVELOPERS TO CHANGE THEIR NEIGHBORHOODS AND IT'S A GOOD THING TO WORK WITH THE URBAN DEVELOPMENT TEAMS. CREATING A RIPPLE EFFECT THROUGH SCOTTSDALE WILL BE ACHIEVED BRINGING NEW CITIZENS, BUSINESSES AND DEVELOPMENT IF WE WORK TOGETHER WITH PROPER PLANNING AND GOALS FOR THE FUTURE. PLEASE WE URGE YOU TO DO THE RIGHT THING FROM THE BOTTOM OF ALL OF OUR HEARTS THAT YOU SEE STANDING HERE. I WOULD LIKE TO SAY PUBLICLY, THE 1A THAT YOU ADDED TO THE AGENDA. THEY DID NOT HAVE TEN DAYS BEFORE THE CITY COUNCIL MET AND IF IT WAS A CITIZEN PRESENTING SOMETHING TO BE ADDED TO THE CITY COUNCIL AGENDA I'M 100 PERCENT SURE WE WOULD BE TURNED AWAY BECAUSE IT WAS TEN DAYS. WE WANT FAIR GOVERNMENT MAYOR LANE.

Mayor Lane: THANK YOU LISA AND THANK YOU ALL FOR BEING HERE. NEXT IS MIA ORLANDI.

[Time: 03:20:45]

Mia Orlandi: HELLO. THANK YOU FOR TAKING THE TIME TO LISTEN. I'M A SINGLE MOM OF TWO CHILDREN. I BOUGHT MY HOME 17 YEARS AGO. I AM A NATIVE OF SCOTTSDALE. I GREW UP ON THE CORNER OF 68th STREET AND CAMELBACK BEFORE IT WAS SCOTTSDALE FASHION SQUARE. THE PARKING LOT OF DILLARDS IS WHERE I LIVED UNTIL I WAS 7 YEARS OLD. I BOUGHT IN THE AREA I BOUGHT IN BECAUSE, FROM THERE AFTER THAT I MOVED INTO THE ARCADIA AREA. THEN OUT TO 110th AND SHEA AND THE TOWN DEAD ENDED AT SHEA AND SCOTTSDALE ROAD. I'M VERY VERY FAMILIAR WITH ALL OF THESE AREAS. I BOUGHT IN THE AREA I BOUGHT IN FOR A LOT OF DIFFERENT REASONS. IT WAS VERY FAMILY ORIENTED. THERE WERE KIDS THE SAME AGE AS MINE. WE HAVE ALL GROWN UP TOGETHER. WE WATCHED EACH OTHERS CHILDREN. WE WORKED HARD TO MAINTAIN A NEIGHBORHOOD FOR EACH OTHER. LISA WAS THE INNOVATOR OF OUR BLOCK WATCH AREA AND I THINK IT WOULD BE A HUGE DISSERVICE TO OUR HISTORIC AREA. WHAT WE DON'T NEED, ANOTHER APARTMENT COMPLEX IN SCOTTSDALE RIGHT IN THAT AREA. I THINK THAT'S A GREAT ENTRY WAY INTO, AS PREVIOUSLY STATED, INTO SCOTTSDALE ITSELF. I THINK WE SHOULD WORK WITH PLANNING AND ZONING, I THINK WE SHOULD COME UP WITH SOMETHING THAT TIES THE CITY TOGETHER AND REVITALIZE THE AREA. IN ADDITION TO THAT I THINK THAT THIS IS OBVIOUSLY A VERY EMOTIONAL THOUGHT PROCESS FOR THOSE OF US THAT ARE RESIDENTS. I JUST REALLY REALLY URGE YOU TO PLEASE TAKE YOUR TIME, VOTE NO ON THIS. RETABLE IT, GIVE IT A CHANCE TO COME UP WITH A DIFFERENT ALTERNATIVE TO REVITALIZE THE AREA. THANK YOU FOR YOUR TIME.

Mayor Lane: THANK YOU. NEXT IS CATHERINE GARDIOLA.

[Time: 03:23:33]

Catherine Gardiola: MY NAME IS CATHERINE AND I WILL BE READING TWO LETTERS IN THE RECORD. DEAR MAYOR AND I'M IN SUPPORT OF THE LAS AGUAS THAT INCLUDES HIGHER END APARTMENT HOMES. THE REVITALIZATION OF THE MCDOWELL CORRIDOR. I AM PLEASED THAT THIS PIECE OF LAND WILL BE USED FOR HOUSING. IT IS A GREAT LOCATION. THE SECOND LETTER, DEAR MAYOR AND

COUNCIL, I WANTED TO EXPRESS REGARDING THE MCDOWELL CORRIDOR. I AM PLEASED WITH MANY OF THE CHANGES, HOWEVER THE CITY IS NOT DONE. I RECENTLY FOUND OUT ABOUT HIGHER END APARTMENT BUILDINGS GOING IN AT MCDOWELL, LAS AGUAS. THIS WILL BEAUTIFY THE AREA. LOCAL BUSINESSES WILL BENEFIT FROM THIS PROJECT NOT ONLY FROM AN INCREASE IN SALES BUT MORE OPPORTUNITY TO HIRE THE NEW RESIDENTS THAT MAY BE LOOKING FOR NEW EMPLOYMENT. I ASK FOR YOUR SUPPORT IN APPROVING THIS. SINCERELY DAVID CATTLE.

Mayor Lane: THANK YOU CATHERINE. NEXT IS JANE BURTNETT.

[Time: 03:25:14]

Jane Burtnett: I AM JANE BURTNETT AND I HAVE LIVED IN SCOTTSDALE MORE THAN 35 YEARS. I AM A PROUD RESIDENT OF VILLAGE GOVERNOR. I LIVE TWO BLOCKS NORTH OF THE PROPOSED APARTMENT COMPLEX. EVERY CHRISTMAS EVE THE STREETS OF THE HOUSES SURROUNDING THE SCHOOL ARE LINED WITH LUMINARIAS. FOR YEARS I DROVE BY TO WITNESS THOSE. WHEN I WAS ABLE TO PURCHASE A HOME I DECIDED TO MOVE INTO THAT NEIGHBORHOOD BECAUSE IT SHOWED NEIGHBORHOOD UNITY. YOU ARE WITNESSES THAT NEIGHBORHOOD UNITY TONIGHT FOR THOSE OF US OPPOSED TO THIS PROJECT: WE ARE HERE OF OUR OWN ACCORD. WE WERE NOT PERSUADED AND NOT FUNDED BY AN OUTSIDE ENTITY. WE CARE ABOUT OUR NEIGHBORHOOD. THE 114 APARTMENTS THAT ARE PROPOSED IS EQUIVALENT OF FIVE OF OUR STREETS. IT WILL BRING INCREASED TRAFFIC THAT WE DON'T WANT, BOTH PEDESTRIAN AND VEHICULAR. IT IS MY UNDERSTANDING THERE ARE ENOUGH RESIDENCES ON ALMERIA I CAN'T FOR BECAUSE THERE WAS A LITTLE BLIP IN THE LEGALITY OF IT. WE WOULD LIKE THE SAME SUPPORT THAT YOU HAVE GIVEN THE PROPOSERS OF THIS PROPERTY TO THE CITIZENS SO WE CAN CORRECT THAT BLIP AND PRESENT IT SO WE STILL HAVE OUR LEGAL PROTEST. THANK YOU. SO I AM ASKING FOR A CONTINUANCE AND ALSO ASKING THAT IN ANY CASE WHEN YOU VOTE FOR THIS YOU THINK ABOUT YOUR HOME WHERE YOU LIVE AND YOU IMAGINE SIX STREETS WORTH OF YOUR HOMES IN YOUR BACKYARD. IS THAT SOMETHING THAT YOU WOULD WANT? THANK YOU.

Mayor Lane: THANK YOU. CECILE ROSALES.

[Time: 03:27:50]

Cecile Rosales: GOOD EVENING. I HAVE LIVED IN THE NEIGHBORHOOD FOR 25 YEARS AND THAT IS WHAT IT IS, A NEIGHBORHOOD. IT'S HISTORIC. ALL THESE NEIGHBORS THAT CAME UP HERE, WE CARE ABOUT ONE ANOTHER AND THERE ARE DEFINITELY MORE THAT WERE NOT ABLE TO MAKE IT TONIGHT THAT CARE WHAT HAPPENS IN SOUTH PHOENIX. WE DON'T WANT IT TO, I MEAN SOUTH SCOTTSDALE, WE DON'T WANT IT TO TURN INTO A SOUTH PHOENIX. THAT IS WHAT HAPPENS WHEN YOU BUILD ALL THESE APARTMENT COMPLEXES. YOU HAVE TRANSIENT PEOPLE COMING IN AND OUT. YOU HAVE MORE OF A PROBLEM. WE NEED REVITALIZATION BUT SAYING THAT THIS APARTMENT COMPLEX IS THE WAY TO GO ISN'T RIGHT. THERE ARE ALREADY TWO COMPLEXES ON MCDOWELL ROAD BEING BUILT AND THAT'S A TOTAL OF 900 UNITS. IN SUCH A SMALL AREA WE DON'T NEED MORE. WE ALREADY GOT SO MANY VACANCIES AS IT IS. SO PLEASE GIVE US A CONTINUANCE SO WE CAN LOOK INTO MORE ABOUT THE PROJECT THAT THEY SAID WAS SUPPOSED TO HAVE GIVEN US TEN DAYS AND THEY DIDN'T. THANK YOU.

Mayor Lane: THANK YOU. JANICE DUHAME AND LAST JOHN WASHINGTON.

[Time: 03:29:29]

Janice Duhamel: THANK YOU. MY NAME IS JANICE DUHAME. I HAVE BEEN A RESIDENT OF SOUTH SCOTTSDALE FOR 40 YEARS. THE DUHAME FAMILY. I HAVE A VERY VESTED INTEREST IN THIS, I LIVE IN THIS NEIGHBORHOOD BUT I LOVE THIS CITY. I JUST HAVE A COUPLE OF QUESTIONS AND ONE OF THEM IS THE 8 LETTERS LEGAL DOCUMENTS, WERE THEY NOTARIZED, WERE THEY IN ON TIME, ARE THEY ACTUALLY LEGAL DOCUMENTS? WHAT DOES IT TAKE TO SUBMIT A LETTER? CAN I WRITE EIGHT LETTERS AND SUBMIT THEM AND HAVE MY KIDS SIGN? I HAVE A QUESTION FOR THE ATTORNEY THAT THOUGHT SOMETHING WAS FUNNY. WHEN THE YOUNG LADY, A COLORED YOUNG LADY ASKED, TALKED ABOUT OUR NEIGHBORHOOD AND WHAT WE DO AT CHRISTMAS, PEOPLE DO COME TO THAT AREA AND LOOK FOR THAT AND IT'S A JOINT EFFORT YEAR AFTER YEAR SO WHAT I WOULD RATHER SEE HAPPEN HERE IS A NO. I THINK WE NEED URBAN PLANNING. IF YOU COME TO ARIZONA, WE WANT VISITORS AND THOSE VISITORS COME AND FALL IN LOVE AND THEY COME BACK TO BUY AND WHEN THEY ARRIVE AT SKY HARBOR AND THEY DRIVE BY THE ZOO AND THE BOTANICAL GARDENS AND THE GOLF COURSE ON THE LEFT AND THE BEAUTIFUL HOLE IN THE ROCK AND THEY ENTER THE CITY AND THEY SEE AN APARTMENT BUILDING, THEY ARE GOING TO SAY WELL LET'S DON'T BUY HERE. WE NEED A CATALYST, WHATEVER WE DO, IT WILL NOT JUST EFFECT MCDOWELL, IT WILL EFFECT 68th AND THOMAS, MILES ALL THE WAY AROUND. WE NEED AN URBAN PLAN. THERE WERE SEVERAL MEETINGS WHEN COUNCIL WERE THERE AND STAFF WERE THERE AND I HEARD OVER AND OVER AGAIN ONE STATEMENT, WE'RE NOT JUST SURE WHAT TO DO. WELL, IF WE'RE NOT SURE, LET'S FIGURE IT OUT BEFORE WE DO ANYTHING, SAY NO, HIRE A CITY PLANNER, YOU GOT ASU, LET THEM HELP. LET ANYONE WILLING TO HELP COME UP WITH A PROFESSIONAL PLAN. THERE ARE TONS OF IDEAS AND TONS OF BUSINESSES THAT WOULD COME. LET'S DO IT RIGHT. I THANK YOU ALL SO MUCH.

Mayor Lane: THANK YOU. JOHN WASHINGTON.

[Time: 03:33:11]

John Washington: GOOD EVENING, MEMBERS OF THE COUNCIL, I'M A LONG TIME RESIDENT OF THE DOWNTOWN SCOTTSDALE NEIGHBORHOOD OF PEACEFUL VALLEY. A NEIGHBORHOOD NOT LIKE TONALEA, AND I FULLY INTEND FOR THIS TO BE MY LAST HOME, I HOPE TO LIVE THERE FOR ANOTHER 50 TO 100 YEARS. I'M VERY HEARTENED BY THE UNITY OF TONALEA RESIDENTS HAVE SHOWN IN THIS MATTER. I CAN ATTEST DRIVING THROUGH AT CHRISTMAS, IT IS A WONDERFUL NEIGHBORHOOD AND MY HATS ARE OFF TO THE RESIDENTS FOR COMING DOWN HERE AND SPEAKING UP AND PUTTING IN ALL THE HARD HOURS AND THOUGHT TO TRY TO OPPOSE A PROJECT THAT IS TRYING TO STEAM ROLL OVER YOUR NEIGHBORHOOD. YOU KNOW, I WAS GOING TO TALK ABOUT THE DESPICABLE AND DISHONEST TACTICS OF SUSAN BITTER SMITH AND JOHN BERRY AND THE DEVELOPER IN THE WAY THEY TREATED THE NEIGHBORS. I WAS GOING TO PICK ON MR. BERRY'S COMMENT THAT THIS WAS A DOWN ZONING AND I WILL SAY TO THAT NO, THIS IS INVERSE CONDEMNATION. ARE YOU GOING TO DRIVE DOWN PROPERTY VALUES BLIND THIS PROJECT FOR THE BENEFIT OR DEVELOPER OF THIS PROPERTY, THAT IS INVERSE CONDEMNATION. I WAS ALSO GOING TO SAY TO MR. BERRY THAT ZONING IS NOT A TOOL FOR REVITALIZATION. ZONING IS A TOOL FOR MAINTAINING STABILITY IN A

CITY, A TOOL FOR MAINTAINING QUALITY OF LIFE FOR THE RESIDENTS OF A COMMUNITY AND A TOOL FOR MAINTAINING THE PROPERTY VALUES. BUT, A THOUGHT OCCURRED TO ME, YOU KNOW I WAS SITTING SOMEWHERE OVER HERE SEPTEMBER OF LAST YEAR. JOHN BERRY WAS STANDING AT THIS MICROPHONE AND HE SAID WE WANT YOU TO APPROVE THE PHOENIX MOTOR CAR MERCEDES-BENZ CAR DEALERSHIP BECAUSE IT IS A BETTER USE THAN WHAT IS GOING ON IN THAT SITE, IT'S GOING TO BE A BETTER NEIGHBOR TO THE RESIDENTS THAT LIVE THERE AND 30 MINUTES AGO HE ARGUED EXACTLY THE OPPOSITE. EXACTLY THE OPPOSITE. YOU CAN'T VOTE TO APPROVE A MERCEDES DEALERSHIP NEXT DOOR TO SINGLE FAMILY RESIDENTIAL.

Mayor Lane: ROBERT LAROCHE AND THEN TERRY ZAJAC.

[Time: 03:45:32]

Robert Laroche: MAYOR AND COUNCIL MEMBERS, THANK YOU FOR THIS OPPORTUNITY TO TALK. LIKE MY NEIGHBORS, I SHARE CONCERNS ABOUT THE PROSPECT OF THE NEGATIVE ATTRIBUTES THAT MIGHT BE ASSOCIATED WITH AN APARTMENT COMPLEX IN THE VICINITY OF OUR HISTORIC NEIGHBORHOOD. HOWEVER, I'M REALISTIC IN KNOWING THAT SOMETHING MUST EVENTUALLY BE LOCATED IN THIS LOCATION. AND I THINK THE CITY HAS A STRONG PREFERENCE THAT WHATEVER THIS IS, IS GOING TO BE SOMETHING THAT GENERATES A TAX REVENUE AS OPPOSED TO SOMETHING THE CITY WOULD HAVE TO SPEND THEIR OWN MONEY. I WOULD PREFER A PARK BUT THAT MEANS CITY FUNDS AND I DON'T THINK THAT IS REALISTIC AND THAT IS NOT GOING TO HAPPEN. SO I AM TALKING FROM A PERSON WHO IS REALISTIC, I AM DIRECTLY ACROSS THE ALLEY, I AM THE ROW OF HOUSES RIGHT NEXT TO IT. SO I'M AT GROUND ZERO. SOMETIMES IN LIFE IT'S BETTER TO GO WITH THE DEVIL YOU KNOW THAN THE ONE YOU DON'T KNOW. THE DEVIL I DON'T KNOW IS THE NEXT DEVELOPER OR WHAT THE NEXT PLAN IS. IF I KNEW WHAT THE NEXT PLAN IS, MAYBE I WOULD GO WITH THAT, I HAVE NO IDEA. I DO KNOW WHAT THE PLAN IS RIGHT NOW, I HAVE WORKED WITH THE DEVELOPER AND THEY HAVE LAID OUT CONCRETE MITIGATING FEATURES THAT I CAN SEE ON THE CITY WEBSITE DOCUMENTED IN WRITING THAT I CAN UNDERSTAND AS AN ENGINEER AND PROVE TO ME THAT NOBODY IS GOING TO BE ABLE TO LOOK DOWN AT MY BACKYARD FROM THIS COMPLEX. THAT IS MY PRIMARY CONCERN. AS LONG AS THE WALL IS RAISED AND THE ONE STORY GARAGE AND PUT IN AND OTHER FEATURES AS MENTIONED, I SEE THIS AS THE DEVIL I KNOW AND THE ONE THAT I WILL ACCEPT AND GO WITH. I HAVE OTHER PREFERENCES BUT I AM BEING REALISTIC HERE AND I THINK THE DEVELOPER TO MY DISBELIEF HAS BEEN GOOD TO WORK WITH AND HAS SHOWN GOOD FAITH IN NEGOTIATING AND MY REQUEST OF YOU IS THAT IF YOU DO DECIDE TO APPROVE THIS THAT YOU DO NOT UNDERMINE ANY OF THE MITIGATING FEATURES THAT IS WERE AGREED TO AND CHANGE THEM LATER ON. THANK YOU.

Mayor Lane: THANK YOU. NEXT IS TERRY ZAJAC.

[Time: 03:44:28]

Terry Zajac: MAYOR AND MEMBERS OF THE COUNCIL, THANK YOU. MY NAME IS TERRY ZAJAC AND I WANT TO THANK YOU FOR LETTING ME SPEND TIME WITH YOU. MY WIFE AND I LIVE TWO BLOCKS NORTH OF THIS PROPOSED COMPLEX. LISA SAMPSON WORKED FOR A NONPROFIT COUNCIL. ALSO MRS. DUHAME'S DAUGHTER JACKIE BABYSAT MY DAUGHTER. IT IS A NEIGHBORHOOD OF CLOSE KNIT

NEIGHBORS AND WE WANT TO KEEP IT THAT WAY. PRETTY MUCH SINCE THE CITY COUNCIL AND THE CITY ITSELF HAS GIVEN NOTHING BUT LIP SERVICE. I'M A SUPERGUY. I HAVE REAL ESTATE EXPERIENCE, SO I KNOW WHAT I'M TALKING ABOUT. I WATCHED MCDOWELL ROAD LITERALLY COLLAPSE OVER THE YEARS. YOU HAD CHANGING DEMOGRAPHICS. YOU HAD TRAFFIC PATTERNS SHIFTED AS FREEWAYS WERE BUILT. NOW WE SEE A TERRIBLE SITUATION THERE. WHAT CAN BE DONE TO RECTIFY IT? I'M NOT MR. BERRY, I DON'T KNOW WHAT THESE PEOPLE ARE GOING TO DO. THEY ARE TRYING TO TURN A PROFIT AND I HEARD EARLIER IN THE ICE CREAM TRUCK, THERE IS AN ISSUE ABOUT MAKING MONEY. I DO BEGRUDGE THE FACT THAT ALL THE PEOPLE MAKING THE DECISIONS THAT AFFECT MY NEIGHBORHOOD AND MY COMMUNITY DON'T GIVE A DAMN APPARENTLY BECAUSE NONE OF THEM LIVE THERE. THEY COME IN AND PLAY GAMES AND GET WHAT THEY WANT AND LEAVE. IF THIS PROJECT IS APPROVED I THINK WHAT WILL HAPPEN IS IT WILL COME BACK TO YOU AND SAY 154 ISN'T QUITE ENOUGH, WE NEED MORE DENSITY, WE NEED HOW ABOUT A FEW MORE PEOPLE. CURRENTLY YOU HAVE 700 UNITS GOING UP LESS THAN A HALF A MILE EAST OF THIS PROPOSED PROJECT. I WOULD CAUTION YOU TO THINK ABOUT THIS. THE 400 APPROXIMATE PEOPLE THAT OCCUPY THESE PROPERTIES ARE NOT GOING TO REVITALIZE SOUTH SCOTTSDALE. IF YOU FIGURE YOU HAVE LESS THAN 400 THAT WILL LIVE THERE. IF YOU TAKE YOUR TIME AND CONSIDER WHAT THOSE OTHER TWO PROJECTS ARE GOING TO DO, SEE IF THEY PROVIDE SOME SORT OF MAGNET TO BRING BUSINESS INTO THE COMMUNITY. MY NEIGHBORS ARE OPTIMISTIC, THEY WANT TARGET AND STAR BUCKS AND GOD BLESS THEM FOR WANTING THAT, THE DEMOGRAPHICS DON'T SUPPORT IT. THIS APARTMENT PROJECT WILL DRIVE A NAIL INTO THE HEART OF AN ESTABLISHED NEIGHBORHOOD. I URGE YOU TO CONSIDER THIS PROJECT EITHER FOR TABLING SO THERE'S MORE ORGANIZATION OR KILL THE THING OUT RIGHT AND LET EVERYBODY GO HOME AND GET SOME SLEEP. THANK YOU SO MUCH FOR YOUR CONSIDERATION.

Mayor Lane: THANK YOU. PLEASE I WILL ASK, REFRAIN. NEXT ANDREW DELL FOLLOWED BY MARK PENNA.

[Time: 03:48:07]

Andrew Dell: MY NAME IS ANDREW DELL. I'M NOT AS PREPARED AS MY NEIGHBORS BUT I'M COMING HERE TO SPEAK FROM THE HEART AND FROM EXPERIENCE. MY WIFE AND I MOVED IN THE NEIGHBORHOOD IN '97. 7 YEARS AGO WE DID A HUGE REMODEL ON OUR HOME. RIGHT WHEN THIS NEIGHBORHOOD WAS PUT UP FOR A VOTE IF WE WANTED TO BECOME A HISTORIC NEIGHBORHOOD. WE LET THE RESIDENTS VOTE ON THIS. WHAT WAS THAT GOING TO DO? NO MORE TWO STORY HOMES, NO MORE STUCCO HOMES, ANYBODY WHO WAS GOING TO CHANGE THE CARPORT INTO A GARAGE OR CHANGE THE FRONT FOYER AREA HAD TO GO THROUGH THE COMMITTEE AT THE TIME. WE HAD TO HAVE A SIGN IN OUR YARD FOR ANYBODY WHO WANTED TO PROTEST WHAT WE WERE GOING TO DO WITH OUR PLANS. WE HAD TO GO THROUGH MORE HOOPS THAN THE DEVELOPERS. THEY SAID THEY HAVE BEEN OPEN TO THE RESIDENTS IN ASKING WHAT THEIR THOUGHTS ARE. UP UNTIL 3 DAYS AGO I HAD NO IDEA THIS WAS GOING TO HAPPEN. I HAVE LIVED IN THIS NEIGHBORHOOD FOR 17 YEARS. I'M VERY INVOLVED. I THINK IT IS RIDICULOUS FOR SOMEONE WHO IS A HOMEOWNER HAS TO GO THROUGH ALL THE STIPULATIONS BUT I DON'T SEE THESE FOLKS HAVING TO DO ANYTHING. WHERE ARE THE SIGNS ASKING US TO VOTE, WHERE IS THE COMMITTEE, WHERE IS THE RESIDENTS' VOICE IN THIS? I THINK IT'S RIDICULOUS, WE CAN'T HAVE A TWO STORY HOUSE BUT WE CAN BUILD A THREE STORY COMPLEX. I REALLY DON'T HAVE ANYTHING ELSE TO ADD.

Mayor Lane: THANK YOU MR. DELL. MARK PENNA.

[Time: 03:50:06]

Mark Penna: MAYOR, VICE MAJOR, COUNCIL MEMBERS, I WANT TO START OFF BY SAYING WHEN WE FIRST INITIALLY MET FOR THIS PROJECT, INITIALLY ALMOST TWO YEARS AGO NOW, ABOUT A YEAR AND A HALF OR SO WE WERE TOLD BY THE OPPOSITION, MR. BERRY, HE WAS A SLY FOX, HE KNEW MEMBERS OF THE COUNCIL AND HE COULD GET THIS PASSED. NOW I JUST WANT TO BRING THIS TO LIGHT, IF YOU DO LET THIS HAPPEN, AS YOU CAN SEE, MY NEIGHBORHOOD HERE, WE HAVE COME TOGETHER AS A UNIT, WITH THE TECHNICALITIES THAT HAVE HAPPENED, THE TEN DAY TECHNICALITY, WHERE I HAVE THE PAPER RIGHT HERE, AS A NEIGHBORHOOD WE ARE UP AGAINST COUNCIL, NOT ALL COUNCIL BUT A PREDOMINANT AMOUNT OF COUNCIL, WE NEED TO PUT A STOP TO THIS. WE ARE NOT OPPOSED TO SOMETHING THERE JUST NOT APARTMENTS. AND THE FACT THAT THEY ARE SAYING THEY CAME OUT AND ACTUALLY TALKED TO US, IT'S ALL THE PEOPLE THAT THEY HAVE IN THEIR POCKETS. THE LEGAL PROTEST DID NOT STAND, I MEAN, I'M SORRY, AS OF A WEEK AGO WE HAD EIGHT PEOPLE SIGN AGAINST THAT. THIS IS WORD OF MOUTH, OBVIOUSLY EVERYTHING IS TOTALLY LEGAL WHICH WENT ON BUT PEOPLE ARE GETTING NEW LANDSCAPING, NEW WINDOWS, NEW GARAGES, WHEN IS IT GOING TO STOP, IF IT DOESN'T STOP HERE, IT HAS TO STOP SOMEWHERE. IT SEEMS THAT COUNCIL LETS EVERY DEVELOPER COME IN HERE, WRECK A NEIGHBORHOOD AND BE DONE WITH IT. I DON'T KNOW WHAT IT IS THAT THEY HAVE OVER YOU GUYS AND I KNOW YOU ARE TRYING TO DO WHATEVER YOU CAN FOR THE CITY OF SCOTTSDALE BUT PLEASE WITH ALL OF THESE PEOPLE HERE SHOWING UNITY, WE DEMAND A CONTINUANCE, AS A MATTER OF FACT WITH THAT TEN DAY RULE, WE HAVE ANOTHER NEIGHBORHOOD WHO BECAUSE OF A TECHNICALITY, OUR LEGAL PROTEST DOES NOT STAND DUE TO THE FACT NATE WAS A HUSBAND WHO SIGNED INSTEAD OF A WIFE, SO WE ASK AND DEMAND WE GET A CONTINUANCE FOR ONCE. THEY HAVE HAD THREE ALREADY. IT SEEMS LIKE ALL OUR UNITY AND SEVERING FALLING ON DEAF YEARS. WE ASK FOR ONE CONTINUANCE. THANK YOU FOR YOUR TIME.

Mayor Lane: THANK YOU. THAT COMPLETES THE PUBLIC TESTIMONY. MR. BERRY I WILL GIVE YOU FIVE MINUTES TO RESPOND SPECIFICALLY TO ANY ISSUES THAT YOU THINK ARE, THAT NEED TO BE ADDRESSED.

[Time: 03:53:27]

John Berry: THANK YOU, MAYOR. LET'S SEE, FOLKS TALK ABOUT THE FIRST VIEWS AND THE FIRST IMPRESSIONS OF SCOTTSDALE COMING OVER MCDOWELL ROAD. THIS IS WHAT WE HAVE TODAY AS THE FIRST IMPRESSION OF THE CITY OF SCOTTSDALE IN THAT AREA. I WOULD NOTE THAT THERE WAS A LARGE GROUP OF CONSTITUENTS THAT WERE NOT HERE TODAY, 116 OF WHOM HAVE WRITTEN LETTERS OR SIGNED PETITIONS. IN ADDITION THOSE BUSINESS OWNERS WHO HAVE EMPLOYEES WHO ARE NOT PRESENT THIS EVENING, THE TWO ARE REPRESENTATIVE OF THOSE 116 LETTERS AND SIGNATURES THAT YOU HAVE. I THINK IT'S ALSO IMPORTANT TO POINT OUT THAT ALMOST ALL OF THOSE FOLKS THAT SPOKE TO YOU ARE AS FAR AS 7 BLOCKS AWAY FROM THE SITE. IT'S A STRONG UNIFIED NEIGHBORHOOD AND THAT'S A POSITIVE THING IN SCOTTSDALE. THIS IS THE SITE, IF YOU LOOK AT THE HOMES DIRECTLY ADJACENT TO IT ON ALMERIA, OF THOSE HOMES, THERE ARE 17

HOMES THAT ARE ADJACENT TO THIS PROPERTY. OF THOSE 17, THERE ARE FOUR, FOUR OPPOSED. LET'S TALK ABOUT THE QUALITY OF PEOPLE THAT THEY ARE AFRAID OF COMING INTO THIS AREA. THE RENTS ON THESE APARTMENTS WILL BE HIGHER THAN THE MORTGAGE PAYMENTS OF MOST FOLKS IN THAT NEIGHBORHOOD. YOU HAD AN INDIVIDUAL EARLIER THIS EVENING IN YOUR PRIOR MEETING WHERE YOU ARE LOOKING AT BOARDS AND COMMISSIONS AND YOU HAD AN INDIVIDUAL I BELIEVE IT WAS TODD MAZON WHO ASKED TO BE APPOINTED AND HE SAID I HAVE LIVED IN SCOTTSDALE FOR 16 YEARS AND FOR 14 I LIVED AT SUCH AND SUCH THE FIRST TWO YEARS I CAME HERE I LIVED IN AN APARTMENT TO SEE WHETHER I WANTED SCOTTSDALE AND YOU KNOW WHAT I SPENT THOSE TWO YEARS AND HERE I AM ACTIVELY INVOLVE IN THE CITY OF SCOTTSDALE. ONE OF THE SPEAKERS TALKED ABOUT MERCEDES-BENZ OF SCOTTSDALE. PLEASE TELL ME THERE'S NO COMPARISON TO MERCEDES-BENZ OF SCOTTSDALE AND AN ABANDONED AUTOMOBILE DEALERSHIP WITH VEHICLE REPAIR DOORS THAT OPEN UP TO A NEIGHBORHOOD. I WOULD NOTE THAT MR. LAROCHE WHO SPOKE ABOUT THE DEVIL YOU KNOW IS THE INDIVIDUAL WE WORKED WITH AND HE WORKED WITH HIS NEIGHBORS. THE FOLKS THAT YOU SAW WHO WERE NOT OPPOSED, WHERE WE CAME UP WITH THE LIST OF ITEM, THOSE NEIGHBORS THAT WOULD MEET WITH US. YOU HEARD NANCY CANTOR SAY ONE OF THE LEADERS OF OPPOSITION CALLED HIS NEIGHBORS AND SAID DO NOT TALK TO THIS PERSON. IS THAT WHAT WE ARE ABOUT IN SCOTTSDALE? WE BELIEVE THIS PROJECT IS IN CONFORMANCE. MAYOR THIS IS AN OPPORTUNITY TO JUMP START MCDOWELL ROAD REVITALIZATION. I AM HAPPY TO ANSWER SPECIFIC QUESTIONS.

Mayor Lane: THANK YOU MR. BERRY. WE DO HAVE QUESTION OR COMMENT, STARTING WITH COUNCILMAN LITTLEFIELD.

[Time: 03:57:09]

Councilman Littlefield: IN LIGHT OF THE MASSIVE CHANGES THAT HAVE BEEN MADE IN THIS PROJECT OVER THE LAST COUPLE OF DAYS, BARELY OVER 24 HOURS, I WOULD LIKE TO MOVE WE CONTINUE THIS UNTIL THE MAY 7th COUNCIL MEETING.

Councilmember Phillips: SECOND.

Mayor Lane: MOTION MADE AND SECONDED. WOULD THE SECOND LIKE TO SPEAK TOWARD IT.

Councilmember Phillips: I AGREE, ESPECIALLY THIS LAST MINUTE END AROUND. I THINK THEY OWE IT TO THE COUNCIL TO GIVE US TIME TO LOOK OVER THIS AND TO BE HONEST I DON'T APPRECIATE THIS KIND OF A THING. I DON'T THINK YOU ARE GIVING US THE RESPECT WE DESERVE.

Mayor Lane: THANK YOU COUNCILMAN. ANY OTHER COMMENT ON THAT, WE DO HAVE A FIRST AND A SECOND. WE ARE PREPARED TO VOTE ON THAT. ALL THOSE IN FAVOR INDICATE BY AYE AND REGISTER YOUR VOTE. VOTE NAY IF YOU OPPOSE. NAY.

[Time: 03:58:07]

MOTION FAILS FIVE TO TWO. COUNCILMAN LITTLEFIELD AND COUNCILMAN PHILLIPS IN THE AFFIRMATIVE. YOU CAN CLEAR THIS. THANK YOU. THERE'S A COUPLE THINGS OBVIOUSLY THAT HAVE

COME OUT IN THIS CONVERSATION THAT ARE MORE THAN A BIT DISTRESSING. I HAVE MADE REPEATED ATTEMPTS TO SPEAK TO FOLKS IN THIS GROUP. I HAVE MET WITH THEM ONE TIME AND I THINK THERE ARE SOME THAT WERE THERE WHEN I MET WITH THEM. I NEVER HEARD ANYTHING ABOUT IT. THEN I WAS ASKED ONE TIME WHEN THE ENTIRE COUNCIL WAS ASKED TO COME AND WE WERE ADVISED THERE WERE ALREADY A COUPLE OF MEMBERS SPEAKING AND WE HAVE A RESTRICTION AS FAR AS POSTING AND BEING A FULL COUNCIL. NEVERTHELESS IT'S BEEN A LITTLE BIT DIFFICULT TO COMMUNICATE TO NANCY CANTOR'S POINT ABOUT IT. THE FACT THAT FOLKS SAID DON'T TALK TO HER, THEY ALSO SAID NOT TO TALK TO THE REST OF US. SO THERE'S BEEN A SHUT DOWN IN COMMUNICATION AND IT WASN'T SOMETHING INITIATED ON THIS SIDE. THERE WERE OVERT ATTEMPTS TO SPEAK WITH ANY NUMBER OF THE NEIGHBORS THAT WOULD SPEAK TO US, MYSELF AND I KNOW VICE MAYOR KLAPP INDICATED THE SAME THING AND WE GOT NO RESPONSE WHATSOEVER. IT WAS A PRETTY CLEAR INDICATION THERE WASN'T ANYBODY INTERESTED IN WHAT THE DEVELOPMENT WAS FOR THE AREA AND IT BECAME A DIFFICULT ITEM TO TRY TO COMMUNICATE. THERE IS A VERY DEFINITIVE ONE, I THINK IT'S INTERESTING A NUMBER OF INDIVIDUALS INDICATED NUMBER ONE THERE'S AN OVERWHELMING IDEA OF THE ZONING BEING C3 IT IS AN ISSUE AND PRIVATE LAND, BUT SOMEONE CALLED OUT FOR A PLANNING CONSULTANT, WE HAVE DONE THAT REPEATEDLY.

THE TASK FORCE TOOK ALL OF THE STUDIES INCLUSIVE OF THE MOST RECENT ONE, THAT'S THE SPELLS OUT SPECIFICALLY ALONG THE LINES HOW WE REVITALIZE THIS AREA. WE ALL KNOW ON THIS COUNCIL THAT THE MCDOWELL AND SOUTH SCOTTSDALE HAS BEEN WAITING A LOT OF YEARS FOR REDEVELOPMENT. THERE ISN'T SOME MAGICAL FORMULA THAT SUDDENLY YOU ARE GOING TO SAY OKAY WE ARE GOING TO GET THIS THERE. IT DOESN'T HAPPEN THAT WAY. SO WE HAVE BEEN WORKING VERY HARD WITHIN A PLAN AND WITHIN A VISION, WORKING WITH \$125 MILLION INVESTMENT WITH THE ASU FOUNDATION AND SKYSONG AND WHAT THEY ARE DOING. SOMEONE SAID TALK TO THEM, WE HAVE. FRANKLY THIS IS ENTIRELY CONSISTENT WITH WHAT THEY ADVISE AS WELL. SO WE HAVE GOT URBAN PLANNERS AND PLANNING CONSULTANTS THAT TOLD US THIS VERY THING, THE KIND OF THING TO GET THE MIXED USE AND TO REUSE SOME OF THE PROPERTIES NOT LIKELY TO FALL ON THE SAME LINE. WITH A C3 DESIGNATION, IT'S THE SECOND HIGHEST DESIGNATION, EVEN WHERE THE MERCEDES WENT WAS C2. IT CAN BE USED IN THAT PROPERTY. BUT IT'S NOT EVEN C3. BUT IN ANY CASE, WE ARE TRYING VERY HARD TO REVITALIZE MCDOWELL ROAD CORRIDOR AND I UNDERSTAND A LOT OF THE OBJECTIONS THAT ARE MADE HERE AND I CAN SEE THE SHAKING OF THE HEADS AND I UNDERSTAND, THERE'S A NOD, WE CHANGED THAT ONE. BUT, THE FACT REMAINS THAT THERE WAS A TREMENDOUS AMOUNT OF OUTREACH ON THE PART OF A LOT OF US TO TRY TO AT LEAST DISCUSS THE ISSUE. FRANKLY SOME OF THE THINGS THAT CAME BACK TO US THAT WERE BEING REPRESENTED THE OTHER SIDE OF IT, AND IN FACT I KNOW THIS WAS CONFIRMED BY THE INDIVIDUAL WHO SAID IT, A REQUEST FOR A QUARTER OF A MILLION DOLLARS TO CHANGE HIS VOTE. THEN THE IDEA THAT SOMEBODY INDICATED THAT THEY ARE IN THE INCENTIVE DISTRICT AND GO TO 11 STORIES WHICH THEY ARE NOT AND THAT'S NOT EVEN IN PLAY HERE. YOU KNOW, IT'S THAT KIND OF MISCOMMUNICATION THAT MAKES IT DIFFICULT FOR US ALL TO WORK TOGETHER ON ANYTHING WE ARE TRYING TO DO POSITIVELY IN THE AREA. ONCE WE HEAR THAT PEOPLE'S EMOTIONS AND THEIR FEELINGS AND DECISIONS ARE BEING ADDRESSED WITH BAD INFORMATION, AND I MEAN THAT TRUTHFULLY, ABSOLUTELY BAD INFORMATION, IT MAKES IT VERY DIFFICULT FOR US TO TAKE IT SERIOUSLY.

[Time: 04:03:17]

THAT'S PART OF THE PROBLEM WE ARE TRYING TO ADDRESS HERE. AND RECOGNIZING WE HAD A NICE GROUP OF FOLKS AROUND WHEN YOU SPOKE THE IMPACT THAT FEELS, THERE ISN'T ANY DOUBT, THAT REALLY IS AN UNDERSTANDABLE APPROACH AND IT'S MEANINGFUL BUT THERE ARE A LOT OF FOLKS IN THAT NEIGHBORHOOD THAT ARE NOT STANDING AROUND YOU AT THAT PODIUM AND FEEL DIFFERENTLY ABOUT IT AND HOPING TO GET SOMETHING THAN AN ABANDONED CAR DEALERSHIP WITH SERVICE BAYS POINTED AT THEM. SO THOSE ARE THE KINDS OF THINGS THAT ACTUALLY WERE ARGUED ABOUT EVEN IN A C2 DESIGNATION THAT THEY DIDN'T WANT TO HAVE THEM AND WHAT THAT DEALERSHIP DID IN AN EXISTING C2 WAS TO ENCLOSE THEM ALL AND OTHER ACCOMMODATIONS MADE FOR IT. SO I DON'T KNOW, IT BECOMES A VERY DIFFICULT ISSUE. THERE ISN'T ANY DOUBT THAT THE AREA HAS WAITED FOR A REDEVELOPMENT PLAN FOR A LONG TIME. DID WE LOSE COUNCILWOMAN MILHAVEN? DIAL HER BACK AND ASK HER IF IT WAS SOMETHING I SAID. IN ANY CASE I THINK THAT I WANT TO SAY THAT WE ARE WORKING FOR A PLAN, THERE'S NO PERFECT DIRECTION, DECISIONS HAVE TO BE MADE AND ACCOMMODATIONS SOMETIMES IN ORDER TO GET THE INVESTMENT HAVE TO BE MADE. LOOK AT WHAT ASU FOUNDATION IS DOING, EVEN WITH WHAT THEY HAVE GOT ON THEIR PROPERTY, OFFICE COMMERCIAL, 23 NATIONS OF TECHNOLOGY COMPANIES BEING THERE, THEIR TECHNOLOGIST, THESE PEOPLE ARE LOOKING FOR PLACES OF OPTIONS OF HOUSING AND FRANKLY AMENITIES OF OUR DOWNTOWN WILL PROVIDE. THAT'S HOW WE HOPE TO LET VITALIZE. IT'S BRINGING A YOUNGER ELEMENT AND SOMETIMES THAT IS DIFFICULT, I COUNT MYSELF IN THAT GROUP, YOU KNOW I'M UP THERE MYSELF BUT IN ANY CASE IT'S A DIRECTION THAT WE NEED TO MAKE SOME PROGRESS IN. I AM DISAPPOINTED I SUPPOSE THAT I DIDN'T GET RETURN CALLS, NOBODY ASKED ME WHEN I ASKED TO SPEAK TO PEOPLE, I WAS SHUT DOWN AND SHUT OUT OF IT. I AM GOING TO TELL YOU, IT MAY NOT HAVE BEEN YOU, BUT NEVERTHELESS, THAT'S EXACTLY WHAT HAPPENED TO ME. YOU KNOW, I DON'T WEAR MY HEART ON MY SLEEVE AND I MADE THE EFFORT AND AS FAR AS THAT WAS CONCERNED I WASN'T ABLE TO SPEAK TO ANYBODY ABOUT IT. I OBVIOUSLY WE DIDN'T VOTE ON THE EXTENSION, WE HAVE BEEN DOWN THIS ROAD MANY TIMES. AS FAR AS THE PLAIN AND SIMPLE, AND I KNOW THERE'S A LOT OF OBJECTIONS FROM THE GROUPS, FOLKS THAT ARE HERE BEFORE US, OF NO APARTMENTS, IT HAS BEEN PART OF THE PLAN FOR A LONG TIME AS TO HOW THE ROAD ITSELF A COMMERCIAL ROAD LIKE MCDOWELL ROAD, WHAT IT WAS GOING TO TAKE TO MIX IT UP AND NOT JUST HAVE CAR DEALERSHIPS. SOMEBODY MENTIONED IF IT'S ALL ABOUT MONEY TO THE CITY, IF IT WAS JUST MONEY TO THE CITY WE WOULD BE WORKING HARD TO GET ANOTHER CAR DEALERSHIP THERE OR A BAR OR A VERY... A RESTAURANT WOULD SUIT EVERYBODY, OR SOME KIND OF HEAVY RETAIL OUTLET WOULD BE A GOOD APPLICATION IN THAT SENSE. BUT IN THAT CASE, VICE MAYOR KLAPP.

[04:07:02]

Vice Mayor Klapp: I HAVE TO AGREE THAT I DID MEET HERE AT THE COUNCIL AREA WITH ONE OF THE NEIGHBORS. I WAS INVITED TO COME BACK WITH OTHER NEIGHBORS BECAUSE HE HAD QUESTIONS AND CONCERNS. I NEVER HEARD FROM HIM AGAIN. I DID TALK TO A LADY IN THE NEIGHBORHOOD WHO AT FIRST VERY OPPOSED BUT AS SHE TALKED ABOUT IT SHE SAID I REALLY THINK IN REFLECTION ON THIS, THIS IS GOING TO BE GOOD FOR THE NEIGHBORHOOD, NOT BAD. SHE TOLD ME THAT, I DIDN'T COERCE IT OUT OF HER. I DID TRY TO CALL ON OTHER NEIGHBORS WHO DID NOT RETURN MY PHONE CALLS BECAUSE I WAS TOLD THERE WERE CONCERNS IF THE COUNCIL PASSED THIS, WE WERE

NOT GOING TO LIVE UP TO AN AGREEMENT AND I WAS TRYING TO EXPLAIN HOW THE PROCESS WORKS AND I COULD NOT GET A RETURN PHONE CALL. I FEEL THERE HAS BEEN AN ATTEMPT TO REACH OUT AND IT'S UNFORTUNATE WE HAVE NOT BEEN ABLE TO TALK TO SOME OF THE NEIGHBORS AND THAT'S THE WAY IT IS NOW. IF THIS PROPERTY CURRENTLY WERE A MULTI-FAMILY COMPLEX, AN APARTMENT COMPLEX ALL RUN DOWN AND ABANDONED AND THERE WAS A CAR DEALERSHIP WHO WANTED TO TAKE IT OVER AND BUILD I'M SURE THESE SAME PEOPLE HERE WOULD BE COMPLAINING OR NOT LIKING THE FACT WE WERE UP ZONING TO C3 IN ORDER TO PUT A CAR DEALERSHIP THERE. THIS IS A DOWN ZONE, WE ARE BRINGING IN RESIDENTS TO THE AREA THAT WILL HELP REVITALIZE THE AREA. IF YOU THINK ABOUT IN A LARGER CONTEXT OF THE MCDOWELL ROAD CORRIDOR, THERE DO NEED TO BE PEOPLE THERE LIVING THERE THAT CAN GO TO THE RETAIL BUSINESSES, BRING IN RESTAURANTS, SOME OF THIS ACTIVITY THAT MANY OF YOU WOULD LIKE TO HAVE, COFFEE SHOPS, WILL NOT HAPPEN UNLESS PEOPLE ARE LIVING IN THE AREA AND I DON'T BELIEVE THIS PROJECT IN LOOKING AT THE DESIGN OF THE PROJECT AND HOW IT IMPACTS THE NEIGHBORHOOD IS GOING TO BE A DETRIMENT TO YOU. YOU MAY FEEL TODAY IT IS, I BELIEVE WHEN IT IS BUILT YOU WILL UNDERSTAND THAT YOU WILL NOT SEE ANYTHING OTHER THAN THE BACK OF THE GARAGES. THAT'S REALLY ALL YOU WILL SEE AND MOST OF THIS ACTIVITY WILL BE ON MCDOWELL ROAD AND WILL CREATE MORE ACTIVITY. OF THE BUSINESSES THAT WANT IT, WE HAVE TO THINK OF PROJECTS IN THE CONTEXT OF THE ENTIRE CITY AND WHAT WILL IMPROVE THE ECONOMICS AND WHAT IS BEST FOR A LOT OF PEOPLE IN SCOTTSDALE, NOT JUST ONE SMALL GROUP OF PEOPLE. SO WE HAVE TO THINK OF THAT, THAT'S OUR JOB. IT'S NOT EASY TO DO BUT I THINK THIS IS A GOOD PROJECT AS NANCY CANTOR HAS SAID, AND I KNOW THERE ARE PEOPLE WHO WOULD LIKE TO HAVE A LARGER PLAN FOR MCDOWELL ROAD. I HOPE WE CAN CONTINUE TO TALK ABOUT A VISIONARY PLAN FOR THAT ROAD BECAUSE I WANT THAT. WE ARE DEALING WITH ONE PROJECT AND I BELIEVE IT IS A GOOD PROJECT AND I WILL BE SUPPORTING IT WHATEVER THE MOTION WILL BE.

Mayor Lane: THANK YOU. COUNCILMAN LITTLEFIELD.

[Time: 04:10:28]

Councilman Littlefield: WELL, I THINK WHAT I JUST HEARD IS WE DON'T HAVE A PLAN SO LET'S JUST DO SOMETHING. HOW BIZARRE IS THAT. NANCY ASKED THE QUESTION WHEN I MET WITH THE NEIGHBORS DID WE DISCUSS THE CITY'S PLAN FOR THE MCDOWELL ROAD. WHY, YES WE DID. I DISCUSSED BASICALLY NOTHING. THIS GOES BACK TO ONE OF THE DODGES THAT WE ALWAYS HEAR WHEN WE ARE BEING FACED WITH A MEDIOCRE PROJECT WHEN IS BETTER THAN NO PROJECT AT ALL, NO THAT'S NOT TRUE. WHEN YOU APPROVE A BAD PROJECT, THAT THING SITS THERE FOR DECADES, THAT'S WHY IT'S A MISTAKE TO DO THAT. THAT'S WHY IT'S A MISTAKE TO DO THIS. SETTING ASIDE THE OBVIOUS UNFAIRNESS THAT WE GAVE CONTINUES AND WE WOULDN'T GIVE THE NEIGHBORS ONE TO A LOOK AT THE DETAILS OF THIS, THE PROJECT, JOHN BERRY PUTS IT HERE IT WILL REVITALIZE SOUTH SCOTTSDALE, NO IT'S NOT. PUT UP THERE THAT THE TASK FORCE CALLED FOR MORE APARTMENTS, WE APPROVED HUNDREDS OF APARTMENTS. THIS IS JUST LIKE THE MENTALITY WE HAD FIVE OR SIX YEARS AGO FOR CONDOS. IN THAT CASE ALL THE DEVELOPERS WERE STAMPEDING TO CONDOS AND WE APPROVED CONDO DEVELOPMENT AFTER CONDO DEVELOPMENT AND NEVER GOT BUILT. THIS IS THE SAME THING NOW, THE HERD IS MOVING TOWARD APARTMENTS AND IT'S NOT OUR JOB TO FOLLOW THE HERD. IT'S OUR JOB TO MAKE GOOD DECISIONS. THIS IS THE WRONG PROJECT FOR THIS PLACE. I MEAN I COULD GO ON FOR HOURS. SOMEBODY POINTED OUT THE HISTORIC POINT WITH

WHICH THIS IS UNCOMPATIBLE, NOT EVEN CLOSE IN ANY SENSE. SO I DON'T BELIEVE AS I SAID A THOUSAND TIMES THAT A BAD PROJECT IS BETTER THAN NO PROJECT SO I WILL OPPOSE IT AND IF WE CARED ABOUT THE NEIGHBORS WE WOULD VOTE THIS DOWN.

Mayor Lane: THANK YOU, COUNCILMAN. COUNCILWOMAN KORTE.

[Time: 04:12:50]

Councilmember Korte: THANK YOU MAYOR IT'S NICE TO FOLLOW COUNCILMAN LITTLEFIELD. WELL I MET WITH THE NEIGHBORS AND I MET WITH THEM ABOUT SIX NIGHTS AGO IN A VERY KIND COMFORTABLE DRIVEWAY AND IT WAS A GOOD CONVERSATION. IT WAS A GOOD CONVERSATION BECAUSE I REALLY UNDERSTOOD THE ISSUES SURROUNDING THE CASE. I KNOW IT'S A DIFFICULT CASE. I UNDERSTOOD THAT FROM NEIGHBORS PERCEPTION THAT APARTMENTS ARE FUNDAMENTALLY WRONG FOR THIS AREA. I ALSO HEARD A LOT OF MISINFORMATION THAT HAD BEEN CIRCULATING AMONG THE NEIGHBORHOOD. BUT I CAN SAY THAT I'VE LIVED IN THIS AREA, SO TO SPEAK. MY FAMILY HAS BEEN INVESTED IN MCDOWELL AND SCOTTSDALE ROAD FOR OVER 40 YEARS. I'VE LIVED THROUGH THE MANY TASK FORCES AND COMMITTEES WHETHER IT WAS THE LAS AGUAS COMMITTEE OR TASK FORCE, I'VE BEEN ON THOSE TASK FORCES AND I'VE SEEN THE STUDIES AND I'VE HEARD THE SAME PROBLEMS AND IT'S THE SAME ISSUE AND IT ALL COMES BACK TO THE FACT THAT THE DEMOGRAPHIC AS TERRY MENTIONED THAT THE DEMOGRAPHIC DOESN'T SUPPORT THE RETAIL THAT THE NEIGHBORS WANT IN THIS AREA. WE HAVE INVESTED IN THIS AREA. SKY SONG IS A GREAT INVESTMENT, IT HASN'T BEEN THE CATALYST WE WERE LOOKING FOR BUT IT WILL BE. IT'S ON SCHEDULE. IT'S ON THE THIRD AND FOURTH PHASE OF 7 PHASES. IT'S THE CENTER OF COMMERCE WE HAVE BEEN LOOKING FOR. THAT CENTER OF COMMERCE IS GOING TO NEED DIFFERENT HOUSING OPTIONS AND WHILE THIS IS A DIFFICULT DECISION, I BELIEVE THAT WE NEED TO SUPPORT THIS PROJECT TO CREATE THE DIFFERENT HOUSING OPTIONS AND OPTIONS FOR PEOPLE TO LIVE, WORK AND PLAY IN THIS AREA. THANK YOU.

Mayor Lane: THANK YOU. COUNCILMAN PHILLIPS.

[Time: 04:15:26]

Councilmember Phillips: THANK YOU MAYOR. I JUST WANT TO SAY THANK YOU TO EVERYBODY FOR COMING THIS EVENING. YOU KNOW, I MET WITH YOU GUYS TWICE IN YOUR NEIGHBORHOOD AND I BELIEVE BOB LITTLEFIELD MET WITH YOU, VIRGINIA KORTE MET WITH YOU. I NEVER HAD A PROBLEM GETTING AHOLD OF ANYBODY OR ANYTHING LIKE THAT. YOU KNOW, TO COME ALONG AND REDRAW THE BOUNDARY LINES AND TAKE AWAY THE LEGAL PROTEST IS VERY SAD. BUT WHAT IT SHOWS IS IT IS JUST A DRAWING. IF THEY CAN TAKE AWAY A BOUNDARY LINE, WE DID IT HERE AT THE CANAL BANK TOO, IF YOU CAN JUST CHANGE A DRAWING AND SAY IT DOESN'T WORK ANYMORE, NOW WE WIN. THEN THE COUNCIL APPROVES IT AND THEN THEY COME BACK AND SAY, LIKE THE GENTLEMAN SAID, WELL, NUMBERS DON'T WORK LIKE THIS, WE NEED AT LEAST 50 MORE, WE NEED THIS, MAYBE ANOTHER FLOOR, SOMETHING LIKE THIS, IT'S NOT WORKING LIKE IT IS, THEY WILL COME BACK TO COUNCIL, IT HAPPENED WITH OPTIMA SONORAN, THEY COME BACK AND SAID NOT PENCILING OUT WE NEED 11 STORIES. THIS IS THE WAY IT GOES. THIS WONDERFUL PROJECT WE ARE LOOKING AT HERE, DOESN'T MEAN IT WILL BE BUILT. IT DOESN'T MEAN THIS PROJECT WILL BE BUILT, IT COULD BE

MORE OR LESS PEOPLE, MORE OR LESS FLOORS. SO, IT'S JUST FRUSTRATING TO ME BECAUSE I FEEL LIKE, I HAVE SAID OVER AND OVER I REALLY WISH COUNCIL WOULD HAVE A DISCUSSION ON THIS AND IN FACT IF THE COUNCIL IS WILLING TO SAY NO TO THIS PROJECT I'M WILLING TO SIT DOWN WITH AN URBAN PLANNER. BUT A MULTITUDE OF APARTMENTS IS NOT GOING TO DO IT AND THERE'S NO WAY I CAN AGREE WITH THIS. I FEEL SORRY FOR WHAT IS HAPPENING ALL AROUND SCOTTSDALE, IT'S TO THE DETRIMENT OF SCOTTSDALE. WE ARE LOSING THE HOME FEELING WE ALL GREW UP WITH. THE NEW SCOTTSDALE IS GOING TO BE, I DON'T KNOW URBAN SOCIALITES THATMENT COME AND GO, LIKE THE SKYSONG WITH THESE WONDERFUL WORLD WIDE BUSINESSES THAT COME IN THERE AND DO THEIR DOT COM BUSINESS AND WE NEVER SEE THEM. IT'S NOT GENERATING BUSINESS FOR SCOTTSDALE. THESE NEED TO BE DISCUSSED AND I AGREE WITH NANCY ON THAT. UNTIL IT IS I CANNOT GO ALONG WITH THIS.

Mayor Lane: THANK YOU. COUNCILMAN ROBBINS.

[Time: 04:18:17]

Councilman Robbins: THANK YOU FOR COMING OUT TONIGHT. I APPRECIATE ALL OF THE INPUT AND ALL THE HARD WORK. I LOVE WHEN NANCY CANTOR GETS UP THERE. I LOVE HER PASSION AND HOW TELLS IT LIKE IT IS. SOME OF THIS DISCONNECT DOES FALL ON OUR SHOULDERS AND WE ARE RESPONSIBLE FOR THAT AND WE DO NEED TO DO A BETTER JOB OF COMMUNICATING AND WORKING WITH PEOPLE WHO ARE INVESTED IN THIS AREA. I AGREE WITH THAT. I GUESS THE PART THAT REALLY AFFECTS ME DIRECTLY IS THAT ONE STREET WITH 17 HOMES AND THE PEOPLE THAT ARE MOSTLY DIRECTLY AFFECTED BY THIS PROJECT IS WHO I LOOK TO TO MAKE A DECISION AND WHEN YOU HAVE 14 OUT OF THE 17 HOUSEHOLDS THERE IN APPROVAL OF THIS, I THINK THAT REALLY SAYS A LOT ABOUT THOSE MOSTLY AFFECTED BY THIS. MCDOWELL ROAD IS GOING TO HAVE A LOT OF TRAFFIC. BUT HAD THE PEOPLE WHO ARE AFFECTED MOST BY THE PROPERTY ARE IN AGREEMENT WITH IT THEN I THINK THAT SAYS A LOT ABOUT WHAT THEY WANT FOR THEIR AREA SO WITH THAT I WILL MAKE A MOTION WE ADOPT MOTION ORDINANCE 4056 AND ADOPT RESOLUTION NO. 9251.

Vice Mayor Klapp: SECOND.

Mayor Lane: WOULD YOU LIKE TO SPEAK TO IT.

Vice Mayor Klapp: NO I THINK I HAVE.

Mayor Lane: I DON'T KNOW IF THE COUNCILWOMAN IS ON THE LINE OR NOT.

Councilwoman Milhaven: I'M STILL HERE.

Mayor Lane: THE MOTION WAS MADE FOR APPROVAL. I WANTED TO AT LEAST CHECK AND SEE IF YOU HAVE ANY COMMENT.

Councilwoman Milhaven: THANK YOU. NO.

Mayor Lane: ALL RIGHT. SEEING NO FURTHER COMMENT BEING ASKED OR MADE WE ARE NOW READY TO VOTE ON THAT MOTION. ALL THOSE IN FAVOR AND REGISTER YOUR VOTE. MOTION PASSES FIVE TO TWO WITH COUNCILMAN PHILLIPS AND LITTLEFIELD OPPOSING.

THANK YOU ALL FOR COMING. IF YOU COULD PLEASE EXIT QUIETLY SO WE CAN PROCEED.

**ITEM 27: PROPOSED FISCAL YEAR 2013/14 OPERATING BUDGET AND CAPITAL IMPROVEMENT PLAN**

[Time: 04:21:49]

Mayor Lane: YOU KNOW I'M GOING TO ASK OUR CITY TREASURER SINCE HE'S BEEN HERE AND JUST BACK FROM AN EXTENDED TIME AWAY, WE MAY END UP SKIPPING YOUR PRESENTATION ITEM 27 IN FAVOR OF TRYING TO GET TO 28 AND 29. I'M NOTING IT'S ABOUT 25 TILL 10:00. SO IT WILL GIVE US SOME TIME. MR. TREASURER IS THAT SOMETHING?

City Treasurer David Smith: MR. MAYOR IT'S A JOINT PRESENTATION, THE CITY MANAGER AND MYSELF, AND IT'S HIS BUDGET SO I'LL LET HIM TALK ABOUT IT.

Acting City Manager Dan Worth: MAYOR I WAS ANTICIPATING YOU MIGHT SUGGEST THAT AND ACTUALLY WE ARE AGENDIZED FOR THE MEETING ON THE 16th, NEXT WEEK TO TALK ABOUT DIVISION BUDGET PRESENTATIONS AND TAKING THIS PRESENTATION AND MAKING THAT THE LEAD OFF WOULD FIT VERY WELL.

Mayor Lane: OKAY. I ASK MAYBE MS. JAGGER IF WE MOVE THAT, DO WE HAVE SOME ROOM TO DO THAT AND GET 28 AND 29 COMPLETED. SO WE ARE GOING TO GO AHEAD AND SKIP 27.

City Clerk Carolyn Jagger: COULD YOU VOTE TO CONTINUE IT AND THEN WE WILL BE ABLE TO ADD IT TO THE AGENDA.

[Time: 04:23:10]

Councilman Robbins: I MAKE A MOTION WE CONTINUE NO. 27, THE PROPOSED FISCAL YEAR OPERATING BUDGET AND THE CAPITAL IMPROVEMENT PLAN TO APRIL 16th.

Mayor Lane: MOTION MADE AND SECONDED. WE ARE READY TO VOTE TO MOVE THAT AND IT PASSES UNANIMOUSLY. OKAY.

**ITEM 28: PEDICAB CODE AMENDMENT REQUEST: ADOPT ORDINANCE NO. 4068 ADDING ARTICLE IX, SECTIONS 17-339 THROUGH 17-360 TO CHAPTER 17, MOTOR VEHICLES AND TRAFFIC, OF THE SCOTTSDALE REVISED CODE, FOR THE REGULATION OF PEDICABS.**

[Time: 04:23:39]

Mayor Lane: SO THANK YOU FOR THAT INDULGENCE AND WE WILL MOVE PAST THAT ONE AND MOVE TO ITEM 28 WHICH IS THE REQUEST TO ADOPT NO. 4061 ADDING ARTICLE 9 SECTIONS 17-339

THROUGH 17-360 TO CHAPTER 17 MOTOR VEHICLES AND TRAFFIC TO OF THE SCOTTSDALE REVISED CODE FOR THE REGULATION OF PEDICABS. AND WE HAVE COMMANDER JOHN COCCA.

[Time: 04:24:06]

Assistant Chief of Police John Cocca. MY NAME IS JOHN COCCA. I AM THE ASSISTANT POLICE CHIEF FOR THE CITY. I WILL GO OVER THE PEDICAB ORDINANCE. FIRST WHAT I WANT TO DO IS GO OVER SOME DEFINITIONS, A LITTLE BACKGROUND, OUR CURRENT SCOTTSDALE EXPERIENCE, ELEMENTS AND SOME OF THE OUTREACH THAT WE DID WITH THE PEDICAB COMMUNITY. FIRST OF ALL DEFINITION OF PEDICAB IS HUMAN POWERED, NO ENGINE, ENVIRONMENTALLY FRIENDLY, TRANSPORTS PASSENGERS FOR A FARE OR TIP. IN OUR CITY IT OPERATES IN THE CONGESTED DOWNTOWN AREAS, ALTHOUGH SOMETIMES IT GOES UP IN THE NORTHERN AREAS OF THE CITY, THOSE THAT UTILIZE PEDICABS. LET ME GIVE YOU SOME EXAMPLES, NEAR BARRETT JACKSON, SOMETIMES NEAR THE SCOTTSDALE AND SHEA AREA. A LITTLE BACKGROUND. ON JANUARY 24th OF THIS YEAR CITY COUNCIL DIRECTED STAFF TO LOOK AT OTHER CITIES TO SEE WHAT THEY WERE DOING. THE ONLY OTHER ARIZONA CITIES THAT WE FOUND WERE PHOENIX AND GLENDALE THAT TOOK PART IN REGULATION OF PEDICABS. WE TOOK PARTS OF THEIR ORDINANCES AND DEVELOPED OUR OWN AND IN A CHART OF WHAT WAS INCLUDED IN THE PHOENIX AND GLENDALE ORDINANCE WAS PUT INTO YOUR PACKET WHICH I'M SURE YOU SAW. THE CURRENT SCOTTSDALE EXPERIENCES PRIMARILY ARE UTILIZED DOWNTOWN, MOSTLY FROM WEDNESDAY THROUGH THE WEEKENDS IN THE ENTERTAINMENT DISTRICT, MOST OF THE PEDICAB IF NOT ALL OF THE OPERATORS OPERATE ON TIPS ONLY AND CURRENTLY THERE'S NO REGULATION IN THE CITY OTHER THAN CURRENT TRAFFIC LAWS OVER THE ARIZONA REVISED STATUTES. I'M GOING TO GO OVER THE KEY ELEMENTS WHAT THE DEFINITION IS, THERE'S SOME EQUIPMENT SAFETY REQUIREMENTS, OPERATOR REQUIREMENTS AND WHERE THEY CAN OPERATE. FIRST OF ALL THE DEFINITION OF A PEDICAB IS THEY ARE EITHER A BICYCLE WITH A TRAILER OR A THREE WHEELED BICYCLE. THE EQUIPMENT AND SAFETY THEY WERE RECOMMENDING AS WE RECOMMENDED A SPECIFIC SIZE, SO THEY CAN GET AROUND IN CONGESTED AREAS. THE LAMPS THAT WE ARE RECOMMENDING, THE LIGHTS ARE TYPICAL, WHAT YOU SEE BY BIKES BEING UTILIZED AT NIGHT WHERE YOU HAVE TO HAVE LIGHT EMITTING TO THE FRONT AND RED TO THE REAR. WE RECOMMEND ONLY ONE PERSON SEATED IN THE SEAT. WE CALL IT SO PEOPLE ARE NOT PILING ON SO YOU DON'T HAVE FIVE OR SIX PEOPLE IN THE BACK OF THE TRAILER OR ON THE BACK OF THE PEDICAB. NO MORE THAN ONE TRAILER AT A TIME PERMITTED. WE ARE RECOMMENDING THE STREETS UTILIZED ARE NOT ALLOWED IF THEY ARE 35 MILES PER HOUR OR MORE UNLESS THERE IS A DESIGNATED BIKE LANE. AS RELATED TO PARKING, THAT IT BE PROHIBITED BEING STORED AT BIKE RACKS FOR MORE THAN TWO HOURS. SOME ARE BEING STORED ALL WEEK AND WE ARE HAVING COMPLAINTS TO THAT.

[Time: 04:28:46]

THE FARES, THAT IS UP TO THE OWNERS AND OPERATORS OF THE CABS, TIPS ONLY, DO NOT REQUIRE A TAX PRIVILEGE LICENSE OR BUSINESS LICENSE OR OCCUPATION LICENSE. IF THEY UTILIZE A FARE OTHER THAN A TIP, THEY ARE REQUIRED TO OBTAIN A CITY LICENSE BASED ON THAT METHOD. WE ARE REQUIRING THEY HAVE A DRIVER'S LICENSE, A VALID DRIVER'S LICENSE. THERE WAS MIXED SUPPORT FROM THE INDUSTRY ON THIS REQUIREMENT AND THE TRANSPORTATION COMMISSION DID NOT SUPPORT THE DRIVER'S LICENSE REQUIREMENT. HOWEVER, THE CITY STAFF IS RECOMMENDING

IT AND AS THE POLICE DEPARTMENT WE WOULD LIKE TO SEE THAT HAPPEN. THE INSURANCE, WE ARE REQUIRING THEY HAVE A ONE MILLION DOLLAR POLICY WITH A TWO MILLION DOLLAR AGGREGATE AND THE PENALTIES WE RECOMMEND ON THE PEDICAB IS THE FIRST OFFENSE IS A PETTY OFFENSE WITH A FINE NO LESS THAN \$150 AND NO MORE THAN \$300. A SECOND OFFENSE WITHIN ONE YEAR OF A PREVIOUS CONVICTION IS A CLASS TWO MISDEMEANOR WITH THE LOWEST POSSIBLE SENTENCE OF BEING \$300. NOW I DO NEED TO LET YOU KNOW A CLASS TWO MISDEMEANOR HAS A MAXIMUM PENALTY OF \$750, FOUR MONTHS IN JAIL AND TWO YEARS PROBATION ALTHOUGH BASED ON MY EXPERIENCE THAT IS HIGHLY UNLIKELY, BUT THE JUDGE HAS THAT OPTION. IN OUR OUTREACH WE WENT ON THE WEB PAGE AND WE HAD A NUMBER OF EMAILS THAT WENT TO US AND A NUMBER OF RECOMMENDATIONS AND HAD AN OPEN HOUSE. IT WAS WELL ATTENDED BY THE PEDICAB INDUSTRY ON FEBRUARY 27th OF THIS YEAR, WE HAD A NUMBER OF MEDIA OUTLETS COVER OUR PEDICAB ORDINANCE CHANGES. SOME OF THE OUTREACH RESULTS I WANTED TO LET YOU KNOW ABOUT. AT FIRST WE WERE RECOMMENDING A REFLECTED VEST REQUIREMENT; IN DISCUSSING WITH THE PEDICAB OPERATORS, THEY WANTED TO BE ABLE TO HAVE THEIR OWN BRAND OF THEIR COMPANY. THIS WE AGREED WITH AND WHAT WE REALLY WANT IS THAT THE CAB ITSELF IS REFLECTIVE SO THAT THEY WOULD BE ABLE TO SEE IT AT NIGHT. WE RECOMMENDED A SECONDARY BRAKING SYSTEM. THAT TENDS TO BE EXPENSIVE FOR THE OPERATORS AND BIKES AS WE KNOW HAS A BRAKING SYSTEM THAT IS EXTREMELY EFFICIENT. WE CLARIFIED LAMP USAGE, WE WILL ALLOW EMITTING WHITE LIGHT TO THE FRONT AND THE EMITTING RED LIGHT TO THE REAR. WE ALSO INCLUDED A NOISE PROVISION. A COUPLE OF THE OPERATORS HAVE CHOSEN TO ATTACH WHAT I CALL A BOOM BOX SO THE RECOMMENDATION WAS THAT WE UTILIZE SOMETHING SIMILAR TO A CURRENT ORDINANCE THAT WE HAVE THAT LIMITS THE AMPLIFICATION THAT GOES UP TO 50 FEET. PAST 50 FEET WE WOULD REQUIRE THEM TO TURN IT DOWN OR IT WOULD BE IN VIOLATION OF THE ORDINANCE. SO OUR NEXT STEPS IF THEY ARE PASSED, IT WOULD BE EFFECTIVE IN 30 DAYS, OUR GOAL IS TO HAVE AN EDUCATION PERIOD DEVELOPED AND IMPLEMENTED BY THE POLICE DEPARTMENT SO THAT WE CAN HAVE CONVERSATIONS WITH ALL OF THE OPERATORS OUT THERE. HOWEVER, BECAUSE IT WOULD BE AN ORDINANCE THAT WOULD BE TECHNICALLY IN EFFECT AFTER 30 DAYS, SERIOUS VIOLATIONS MAY BE CITED DURING THE TIME FRAME WE ARE HOPING TO HAVE THE EDUCATION PERIOD. SO THERE ARE A NUMBER OF OTHER CITY STAFF THAT HELPED DEVELOP THIS ORDINANCE THAT ARE HERE TO ANSWER ANY QUESTIONS RELATED TO ANYTHING THAT YOU MIGHT HAVE IF I'M NOT ABLE TO ANSWER THOSE SO RIGHT NOW I WOULD BE HAPPY TO TAKE ANY QUESTIONS.

Mayor Lane: THANK YOU CHIEF FOR THE PRESENTATION. WE DO HAVE A NUMBER OF CARDS OF FOLKS WANTS TO SPEAK TOWARD THIS. IF YOU CAN STAND BY AND RESPOND TO THOSE AND OR THE COUNCIL. THANK YOU, THOUGH. I WILL START WITH TRISTAN MANOS FOLLOWED BY JASON HOLT.

[Time: 04:33:51]

Tristan Manos: GREETINGS MAYOR AND THE MEMBERS OF THE CITY COUNCIL. I'M TRISTAN AND I RUN PROVIDENCE PEDICAB SERVICE AND I HAVE BEEN WORKING THE PEDICAB BUSINESS GOING ON EIGHT YEARS OR SO. OVERALL IT'S A GOOD IDEA AND A GOOD ORDINANCE. JUST SOME OBSERVATIONS, DEFINITIONS. A PEDICAB IS A BICYCLE OR TRICYCLE AND SOMETIMES BY CALLING THEM ONLY BICYCLES, IT CAN BE SELF-LIMITING AND SOME PEOPLE MAY GET MISTAKEN ON HOW TO FORM AN ORDINANCE. FOR EXAMPLE FOR LIGHTING IN THE REAR, FOR A BICYCLE ONE LIGHT BUT A PEDICAB IS THIS WIDE AND IF THERE A REQUIREMENT FOR ONE LIGHT IN THE CENTER THERE IS THE

POTENTIAL AND THE REALITY OF PAST INCIDENTS WHERE PEDICABS GOT SWIPED FROM BEHIND BY MOTOR VEHICLES AND IF THERE ARE PEOPLE IN THOSE SEATS THEY GO THROUGH THAT TOO. THE REFLECTIVE TAPE IS GOOD BUT IT'S ONLY THREE FEET WIDE AND YOU SEE THAT THE PEDICABS MAY BE WIDER SO THE IDEA IS TO CALL FOR TWO LIGHTS AT THE EXTREME ENDS OF THE REAR OR RUN THE REFLECTIVE TAPE SO FOR STARTERS IT COVERS BOTH SIDES ON THE EXTREME ENDS. ABOUT THE SECONDARY BRAKING SYSTEM, THAT'S ANOTHER POTENTIAL MISREPRESENTATION OR MISUNDERSTANDING. A BICYCLE IS DESIGNED TO STOP ONE PERSON RIDING THE BIKE. WHEN YOU GOT ONE BICYCLE TOWING A TRAILER OF MAYBE UP TO THREE PEOPLE THAT ARE 200-POUNDS EACH, IS THAT BICYCLE DESIGNED FOR THAT, ASK ANY BICYCLE MANUFACTURER IF THEY DESIGNED THAT BRAKING SYSTEM FOR THAT PEDICAB USE. AND ONE POTENTIAL SAVING THING FOR THAT IS THAT AS I IMAGINE ALL OF THE PEDICABS THAT ARE PLANNING TO RIDE THAT ARE ALREADY RIDING IN SCOTTSDALE THAT ARE ALREADY LICENSED IN PHOENIX, THEY ALREADY GOT THAT SECONDARY BRAKING SYSTEM AND IT'S A GOOD THING, ESPECIALLY FOR SAFETY, I WONDER WHAT KIND OF EXCUSE IT IS WHEN YOU GOT SOMEONE SAYING THE PEDICAB COMMUNITY SAID THEY'RE TOO EXPENSIVE. THAT'S ABOUT ALL: THANK YOU FOR YOUR SERVICE. APPRECIATE IT.

Mayor Lane: THANK YOU MR. MANOS. JASON HOLT AND THEN ROBBY HENDERSON.

[Time: 04:37:02]

Jason Holt. MAYOR, MEMBERS OF THE COUNCIL, I'M THE OWNER OF ECO CAB LLC. I'VE BEEN OPERATING PEDICABS HERE IN ARIZONA FOR OVER 19 YEARS. THERE'S ONLY A HANDFUL OF US THAT HAVE MORE THAN TEN YEARS IN THE BUSINESS THAT ARE STILL IN THE BUSINESS HERE LOCALLY. CURRENTLY THERE'S APPROXIMATELY 150 TO 200 CABS IN THE STATE ON ANY GIVEN WEEKEND, 60 TO 80 CABS WORKING IN SCOTTSDALE. 1999 WAS A PRETTY PIVOTAL POINT IN MY LIFE. I DIDN'T KNOW IT AT THE TIME BUT PERSONALLY AND CAREER WISE I HAD THE HONOR AND PRIVILEGE TO LIVE AT THE BIOSPHERE TWO CENTER DOWN IN ORACLE Arizona AND CONDUCT RESEARCH WITH A NEPALESE RICE FARMER. I WAS A PLANT BIOLOGIST. AT THE TIME I WAS TALKING TO ONE OF MY PROFESSORS ABOUT HOW TO, I BELIEVED IN THE YOU KNOW ACT LOCALLY PRINCIPLES BUT I HAD A QUESTION, WHEN YOU HAVE AN IDEA THAT CAN EFFECT A BROAD RANGE OF PEOPLE IN AN ENTIRE COUNTRY AND WORLD FOR THAT MATTER, HOW DO YOU HANDLE THAT KNOWLEDGE AND GO FORTH WITH THAT. UPON ACCEPTANCE OF THE PROGRAM HE SAID MAN YOU'RE ALREADY DOING IT. AT THAT POINT, I FINISHED THE PROGRAM, I CHANGED MY DEGREE PROGRAM FROM PLANT BIOLOGY TO SMALL BUSINESS AND URBAN PLANNING AND HERE I AM 19 YEARS IN THE BUSINESS. I KNOW I ONLY HAVE A CERTAIN AMOUNT OF TIME SO I WANTED TO GIVE YOU A LITTLE PERSONAL HISTORY. OVERALL, I'M IN FAVOR OF THE ORDINANCE THAT IS BEING PROPOSED I THINK THERE'S MINOR THINGS THAT MAKE NO DIFFERENCE TO ME. I HAVE INSURANCE, I REQUIRE ALL MY OPERATORS TO HAVE A VALID DRIVER'S LICENSE, THE POINT WITH THE DRIVER'S LICENSE IS I WAS REALLY SURPRISED THE MOMENT NO ONE GETS IN MY CAB I'M CONSIDERED COMMERCIAL TRANSPORTATION. THE MINOR THINGS I'M IN DISAGREEMENT WITH ARE THE MIRRORS, WE DON'T USE THEM. IT'S EASIER, SAFER FOR ME TO DO THAT. I REALIZE MY TIME IS SHORT. I'M IN GENERAL APPROVAL OF EVERYTHING AND I LOOK FORWARD TO YOUR DECISION.

Mayor Lane: NEXT IS ROBBIE HENDERSON, FOLLOWED BY COPPER PHILLIPS.

[Time: 04:40:31]

Robbie Henderson: I OWN ROBBIE RIDES IN SCOTTSDALE, LIVING IN SCOTTSDALE. I RECOMMEND THAT WE SHOULD TRY TO CREATE SOME TYPE OF RICKSHAW LICENSE, SET OUR OWN BOUNDARIES WHERE WE CAN DRAW IN SOME REVENUE FROM CREATING A SITE WHERE ALL THE CABS CAN BE TESTED OR THROUGH THE CITY COUNCIL OR POLICE DEPARTMENT EACH CAB CAN RECEIVE A SCOTTSDALE STICKER AND WE CAN MAKE SURE WE CAN FIND THE BEST INSURANCE FOR EVERYBODY. THAT'S ONE. TWO, I RECOMMEND INSTEAD OF PUTTING PEOPLE OUT OF WORK BY MAKING THEM HAVE A DRIVER'S LICENSE, BY DOING THE RICKSHAW OPERATOR'S LICENSE WOULD MAKE EVERYONE INCLUDING THE BUSINESS OWNERS THAT ARE HERE WHO DON'T WANT TO PAY TAXES, EVERYONE CAN PAY TAXES, EVERYONE HAS TO FILL OUT THE 1099 FORMS, YOU KEEP PEOPLE WITH THEIR FAMILIES, YOU KNOW WHAT I'M SAYING, TO TAKE CARE OF THEMSELVES. I HAVE A VALID DRIVER'S LICENSE, I'M JUST STICKING UP FOR THE PEOPLE WHO DON'T. I'M THE ONLY BLACK PERSON IN HERE AND AS THEY WILL TELL YOU 80% OF RICKSHAW OPERATORS IN SCOTTSDALE ARE WHITE PEOPLE. SO, YOU GOING TO BE DOING DISSERVICE TO THEM AND THOSE ARE PEOPLE THAT MAKE LESS THAN \$25,000 A YEAR WHO WOULD VOTE FOR PEOPLE WHO ACTUALLY CARED FOR THEM THAT STOOD UP AND SHOWED THAT HEY, THESE PEOPLE CARE FOR ME. SO I'M GOING TO VOTE IN THEIR FAVOR BECAUSE THEY ARE LOOKING OUT FOR US WHERE AS OTHER CITIES WANT TO GET RID OF THEM BECAUSE BE HONEST, MOST EX-CONS, MOST PEOPLE ON PAROLES, HURRY UP AND GET A JOB, HOWEVER, IF YOU DO VOTE WITH THE POLICE OFFICERS, I ASK THAT YOU ASK THE POLICE OFFICERS TO HELP THESE OTHER RICKSHAW OPERATORS, HELP THEM FIND A JOB. THAT'S ALL I HAVE TO SAY.

Mayor Lane: THANK YOU MR. HENDERSON. COPPER PHILLIPS AND THEN JON EWING.

[Time: 04:43:08]

Copper Phillips: COPPER PHILLIPS ADDRESS IS ON FILE. I REALLY WOULD LIKE TO AGREE WITH WHAT THE PEDICAB OPERATOR SAID. YOU ARE CHAUFFERING PEOPLE AROUND. SO AS SOON AS YOU GET OTHER PEOPLE INVOLVED YOU NEED TO HAVE SOME LEVEL OF RESPONSIBILITY. IF YOU DON'T HAVE A DRIVER'S LICENSE WAS IT BECAUSE OF IT WAS SUSPENDED, REVOKED, DUI, IT'S A SAFETY ISSUE. I DON'T SEE HOW WE CAN MOVE FORWARD WITHOUT A DRIVER'S LICENSE. I ASSUME THERE'S A REFLECTOR ON BOTH SIDES. IT NEVER DAWNED ON ME THAT THERE WOULD BE ONE, SO I SUPPORT THAT, AND THE SAME THING FOR A SECONDARY BRAKE SYSTEM. DYNAMICS, YOU CANNOT STOP 600-POUNDS WITH A BICYCLE BRAKING SYSTEM. IT WASN'T BUILT TO DO THAT. THOSE ARE COMMON SENSE THINGS. WITH RESPECT TO THE ACTUAL LICENSING. I DON'T ADVOCATE A SEPARATE LICENSE. I AM TROUBLED BY A DIFFERENTIATION BETWEEN A FARE PAYING AND A TIP. ONE WOULD HAVE A TAX PRIVILEGE LICENSE, IF YOU ARE DOING TIPS YOU DON'T HAVE TO DO EITHER. THAT'S INCONSISTENT, IT'S EASY TO SAY I WILL DO FARES, I THINK WE NEED A LICENSE IRREGARDLESS.

Mayor Lane: THANK YOU MS. PHILLIPS. JAY EWING THEN TERRY GRUVER.

[Time: 04:45:00]

Jay Ewing: I OWN BIG POPPA, HUMAN POWER TRANSPORTATION. I'M THE ORIGINAL PEDICAB OPERATOR THAT SHOWED UP HERE IN 2001. MOST OF WHAT YOU HAVE WRITTEN IN THE ORDINANCE

IS A GOOD IDEA. PLEASE MAKE A GREAT DECISION AND MANDATE THE SECONDARY BRAKING OPTION. I HAVE WHAT CITY OF PHOENIX REQUIRES. THE ONLY THING I DISLIKE IS THE MIRROR. I'M NOT GOING TO TAKE TIME TO LOOK AT THAT MIRROR. IT IS MUCH EASIER FOR US TO PUT OUR HEAD OVER OUR SHOULDER. IF YOU WANT TO HAVE THE MIRROR IN THERE THAT'S FINE BUT WE'RE NEVER GOING TO USE IT NOR WILL MOST OF THE OPERATORS. THE LIGHTING SYSTEM. I HAVE LED LIGHTS ON THE BACKS OF MY VEHICLES. I THINK WHAT YOU MIGHT WANT TO BE MOST CONCERNED ABOUT IS THE DRIVER'S LICENSE. SIX WEEKS AGO I WASN'T THINKING THAT A DRIVER'S LICENCE WAS A MANDATORY NEED. BUT AFTER LISTENING TO A COUPLE OF PEOPLE WHO ARE NOT IN THIS ROOM RIGHT NOW, THEY HAVE A VERY GOOD POINT. JUST BECAUSE THEY DO OR DO NOT HAVE A LICENSE DOESN'T MEAN THEY WILL DO IT RIGHT, BUT THOSE PEOPLE WHO THOUGHT THAT A DRIVER'S LICENSE WAS A BAD IDEA, THEY ACTUALLY OPERATE REALLY BADLY. THEY SHOULDN'T BE HERE. WHETHER IT'S CHOICE OF NOT HAVING A DRIVER'S LICENSE, WHETHER IT'S BEEN SUSPENDED OR REVOKED, BUT IF YOU MAKE SURE THAT THOSE OF US WHO DO OPERATE ON THE ROAD HAVE A DRIVER'S LICENSE, WE PROBABLY DO A GOOD JOB AND THAT'S WHY WE STILL HAVE A DRIVER'S LICENSE. I'VE HAD INSURANCE SINCE 2001. I DON'T LIKE PUTTING THE REFLECTOR TAPE ACROSS THE WHOLE BACK. THAT TAKES AWAY MY ABILITY TO PUT ADVERTISEMENTS ON THE BACK. I'VE ALREADY GOT GOOD LED LIGHTING. THANKS FOR YOUR TIME. PLEASE GO FORTH WITH THIS.

Mayor Lane: THANK YOU MR. EWING. NEXT AND FINAL IS TERRY GRUVER.

[Time: 04:48:09]

Terry Gruver: I'M CHAIR OF THE TRANSPORTATION COMMISSION. I'M HERE TO BRIEFLY EXPLAIN THE COMMISSION'S RECOMMENDATIONS. THE COMMISSION SUPPORTS THE PROPOSED ORDINANCE. WE BELIEVE IT WILL HELP IMPROVE SAFETY. IT WILL ALSO SEND A MESSAGE THAT THE CITY IS VERY CONCERNED FOR THE SAFETY OF ITS CITIZENS AND VISITORS AND IS WATCHFUL OF THESE TYPES OF ACTIVITIES. THE COMMISSION ALSO RECOMMENDED TWO CHANGES. THE FIRST ONE WAS TO ADD SOME TYPE OF REFLECTIVE ELEMENT TO THE SIDE OF THE VEHICLE. I UNDERSTOOD THAT THAT WAS INCORPORATED INTO THE PROPOSAL BUT I DIDN'T SEE IT IN THE PRESENTATION SO I'M NOT SURE IF IT IS OR NOT. THE SECOND CHANGE RECOMMENDED WAS TO OMIT THE REQUIREMENT OF A DRIVER'S LICENSE. IN OVERVIEW AND DISCUSSION OF THE PROPOSED ORDINANCE AND TESTIMONY PROVIDED BY OPERATORS AND OTHERS ATTENDING THE COMMISSION MEETING, THE COMMISSION ASKED STAFF WHY THEY BELIEVED A DRIVER'S LICENSE WAS IMPORTANT, WE WERE TRYING TO MAKE THE CONNECTION. BESIDES RULES OF THE ROAD THERE ARE OTHER TYPES OF USES ON THE ROAD THAT DON'T REQUIRE A LICENSE. TWO REASONS WERE GIVEN. FIRST IT WAS DESCRIBED AS A CERTAIN LEVEL OF RESPONSIBILITY. IT WAS THE COMMISSION'S OPINION THAT THE ORDINANCE IN AND OF ITSELF AS WELL AS THE INSURANCE REQUIREMENT OFFERED THAT LEVEL OF RESPONSIBILITY. IT WAS ADDITIONALLY DESCRIBED AS A WAY OF KEEPING LAWBREAKERS FROM OPERATING A PEDICAB. IF THE GOAL WAS TO KEEP PEOPLE WITH OFFENSES FROM WORKING AS PEDICAB OPERATORS, THEN THE REQUIREMENTS SHOULD BE SPECIFICALLY RELATED TO THOSE OFFENSES AND THEIR RELATIONSHIP TO THE OPERATOR'S ABILITY TO SAFELY OPERATE A PEDICAB. IN SUMMARY WE FELT THAT THE DRIVER'S LICENCE REQUIREMENT WAS TOO BROAD OF A STROKE FOR THE STATED INTENTIONS THAT WERE DESCRIBED TO US. THAT WAS THE COMMISSION'S EVALUATION. WE SUPPORTED THE OVERALL ORDINANCE, THE ADDITION OF SIDE REFLECTORS. IT IS FAIR TO NOTE THAT THE RECOMMENDATION

OF THE DRIVER'S LICENSE WAS APPROVED ON A 4-2 VOTE WITH ONE ABSENCE. THANK YOU VERY MUCH FOR YOUR TIME.

Mayor Lane: THANK YOU MS. GRUBER. THAT COMPLETED PUBLIC TESTIMONY. SOME COMMENTS OR QUESTIONS FROM THE COUNCIL. COUNCILMAN LITTLFIELD.

Councilman Littlefield: WHEN I FIRST PROPOSED THIS, YOU GUYS CAME BACK EXACTLY WITH WHAT I HOPED YOU WOULD DO. I MOVE THAT WE ADOPT ORDINANCE No. 4068.

Councilmember Korte: SECOND.

Mayor Lane: MOTION TO ADOPT AND SECONDED. WOULD THE SECOND LIKE TO SPEAK TO IT? COUNCILMAN ROBBINS?

[Time: 04:51:40]

Councilman Robbins: JUST A COUPLE OF QUESTIONS. PEOPLE BROUGHT UP THE SECONDARY BRAKING SYSTEM, AND PART OF THE ORDINANCE GIVES SOME WIGGLE ROOM. A PEDICAB ON ITS OWN WITHOUT 600 POUNDS IN THE BACK CAN'T STOP, THAT'S REASONABLE. WHAT DOES THAT MEAN EXACTLY? HOW DO WE KNOW IF THE BRAKING SYSTEM IS CAPABLE OF STOPPING THE PEDICAB AND THE ATTACHED TRAILER SAFELY?

Police Chief Cocca: MAYOR, COUNCILMAN ROBBINS. THIS WOULD BE SIMILAR TO WHEN YOU ARE PULLING A BOAT. SOME BOAT TRAILERS HAVE A SECONDARY BRAKE SYSTEM, SOME DO NOT. IT CAN BE DONE SAFELY DEPENDING ON THE WEIGHT OF YOUR BOAT. I'LL GIVE YOU THE EXAMPLE, THE BOAT THAT I PULL, I DO NOT HAVE A SECONDARY BRAKING SYSTEM ON THE TRUCK I USE WHEN I GO TO THE LAKE. IF IT WAS A BIGGER BOAT I WOULD HAVE TO HAVE A SECONDARY BRAKING SYSTEM.

Councilman Robbins: THAT MAKES SENSE. TO ANSWER ONE OF THE QUESTIONS ABOUT SIDE REFLECTORS, PART OF THIS ORDINANCE DOES HAVE SPOKE REFLECTORS FIXED TO EACH WHEEL SO YOU DO HAVE THOSE SIDE REFLECTORS. IT IS IN THAT ORDINANCE, SO I SUPPORT IT AS WELL. THANK YOU.

Mayor Lane: THANK YOU COUNCILMAN. COUNCILWOMAN KORTE.

[Time: 04:53:17]

Councilmember Korte: CAN WE GO BACK TO THAT BRAKING SYSTEM AND I'D LIKE TO USE THE ANALOGY OF TOWING A HORSE TRAILER AND A LIVE ANIMAL IN THE BACK OF THAT. TOWING A HORSE TRAILER, YOU HAVE A BRAKING SYSTEM THAT IS VERY ADJUSTABLE. I WOULDN'T TOW A HORSE TRAILER WITHOUT IT. WITH THAT ANALOGY, THEY ARE HUMAN BEINGS AND PERHAPS IT IS A SAFETY FACTOR THAT WAS BROUGHT UP BY JASON. AT ONE POINT IT WAS INCLUDED THEN IT WAS TAKEN OUT. MAYBE SOME THOUGHT AROUND THERE TO HELP US UNDERSTAND IT.

Chief Cocca: MAYOR, COUNCILMEMBER KORTE. THE THOUGHT RELATED TO THAT IS THAT THE OPERATOR OF THE PEDICAB IS GOING TO BE RESPONSIBLE TO MAKE SURE THAT THEIR BRAKING SYSTEM IS STRONG ENOUGH OR THE EQUIPMENT IS POWERFUL ENOUGH TO STOP IN A SAFE MANNER. I AM NOT A BIKE MECHANIC. THE POLICE DEPARTMENT DID NOT WANT TO GET INTO INSPECTIONS OF THE PEDICAB THEMSELVES. THAT'S WHY WE LEFT IT A LITTLE BIT OPEN THAT IS HAS TO BE ABLE TO STOP THE PEDICAB AND ANY TRAILER SAFELY. BARRING ANY ACCIDENT RECONSTRUCTION, DETECTIVES CAN MAKE THAT DETERMINATION IF UNFORTUNATELY THERE IS AN ACCIDENT.

Mayor Lane: THANK YOU COUNCILWOMAN. CHIEF, JUST AN OBSERVATION OR QUESTION. THE SITUATION THAT DREW THIS TO OUR ATTENTION; I WAS JUST THINKING THERE WERE CERTAIN ELEMENTS WITHIN THIS ORDINANCE THAT REALLY DO ADDRESS THE CIRCUMSTANCES. OUTSIDE OF THE CIRCUMSTANCES OF INFLUENCE OF THE RESPONSIBLE PARTY. I'M TALKING ABOUT THE ACCIDENT THAT REAR-ENDED ONE OF THE PEDICABS. I DON'T KNOW IF REFLECTIVE TAPE WOULD HAVE HELPED OR LIGHTS BUT IT DOES SEEM TO ME THAT THE IDEA OF REMOVING THEIR OPERATION FROM THE AREA THAT THAT ACCIDENT TOOK PLACE IN BECAUSE OF THE GREATER SPEEDS THAT ARE IN THAT DIRECTION. THAT WOULD SEEM TO IMMEDIATELY ADDRESS THE ISSUE OF A CONTRIBUTING FACTOR OF THAT PARTICULAR ACCIDENT. I'M IN HOPES OF IF THERE WERE SOMETHING THAT WE'RE LOOKING TO ACCOMPLISH FROM THE STANDPOINT OF PUBLIC SAFETY THAT IT SEEMS THAT WE HAVE. THE OTHER THING THAT I WONDER ABOUT A PEDICAB THAT HAS 600 POUNDS IN THE BACK HOW FAST THEY'RE ACTUALLY GOING. THE ONLY TIME I THINK IT MIGHT COME INTO PLAY IS THEY'RE GOING DOWNHILL SOMEWHERE AND I KNOW THERE'S A COUPLE OF SPOTS WHERE I'VE SEEN THEM GOING DOWNHILL AND EVERYONE GETS OFF AND PUSHES IT UP THE OTHER SIDE. I APPRECIATE THE DILEMMA IN TRYING TO MAKE THAT EVALUATION ON THE BRAKING SYSTEM IN HOPES THAT THEY DO MAKE THOSE JUDGMENTS THEMSELVES. I DON'T SEE THAT WE HAVE ANY MORE COMMENTS ON THAT. WE DO HAVE A MOTION AND A SECOND ON THE TABLE. I THINK WE'RE READY TO VOTE. ALL IN FAVOR INDICATE BY AYE, OPPOSED WITH NAY. IT'S UNANIMOUS. THANK YOU VERY MUCH FOR THE PRESENTATION CHIEF AND FOR ALL THE STAFF'S WORK IN THIS AREA.

IT'S PRESENTLY A LITTLE AFTER 10 P.M. DO WE WANT TO TAKE A VOTE TO PROCEED. WE'LL TAKE THE VOTE, WE'RE REQUIRED TO TAKE THE VOTE.

Vice Mayor Klapp: I MOVE THAT WE CONTINUE TO HEAR ITEM NO. 29, RESIDENCES AT SCOTTSDALE QUARTER THIS EVENING.

Mayor Lane: MOTION HAS BEEN MOVED AND SECONDED. PLEASE VOTE AYE IF YOU AGREE, NAY IF YOU OPPOSE. IT'S UNANIMOUS, WE WILL GO AHEAD AND PROCEED.

**ITEM 29: THE RESIDENCES AT SCOTTSDALE QUARTER**

[Time: 04:58:53]

Mayor Lane: WE'LL MOVE ON TO ITEM 29 WHICH IS THE RESIDENCES AT SCOTTSDALE QUARTER. WE'LL START WITH BRYAN CLUFF.

[Time: 04:59:37]

Planner Bryan Cluff: THIS IS A REQUEST FROM THE APPLICANT FOR AMENDED DEVELOPMENT STANDARDS FOR A BUILDING HEIGHT UP TO 90 FEET. THIS REQUEST IS TAKING ADVANTAGE OF THE RECENT TEXT AMENDMENT TO THE PLANNED REGIONAL CENTER DISTRICT. AFTER RECOMMENDATIONS FROM THE DEVELOPMENT REVIEW BOARD AND THE PLANNING COMMISSION THE CITY COUNCIL SHALL MAKE A FINDING ON THE DEVELOPMENT PLAN WITH REGARD TO THE AMENDED DEVELOPMENT STANDARD. THIS IS THE SUBJECT SITE, SCOTTSDALE QUARTER. YOU'LL FIND REFERENCE IN YOUR REPORT TO THE DEVELOPMENT SITE AND DEVELOPMENT PROJECT TERMS. THIS ILLUSTRATION IDENTIFIES THOSE AS APPLICABLE WITH THE DASHED-AREA DEVELOPMENT SITES, WHAT IS BEING CONSIDERED WITH THESE REQUESTS. HERE'S A CLOSER LOOK AT THE DEVELOPMENT SITE WHICH CONSISTS OF A SIX-STORY BUILDING WHICH WILL HAVE A LEVEL OF BELOW-GRADE PARKING, ALSO TWO LEVELS OF ABOVE-GRADE PARKING. ON THE GROUND LEVEL ON THE WESTERN PORTION OF THE BUILDING THERE WILL BE APPROXIMATELY 20,000 SQUARE FEET OF COMMERCIAL FLOOR AREA. THE REMAINDER OF THE BUILDING WILL BE 276 RESIDENTIAL UNITS. THIS IS AN OVERVIEW OF THE PRC CRITERIA FOR AMENDED DEVELOPMENT STANDARDS. IT'S DETAILED IN YOUR REPORT, I WON'T GO INTO DETAIL IN THE PRESENTATION UNLESS THERE ARE SPECIFIC QUESTIONS. THIS IS A SUMMARY OF THE DEVELOPMENT INFORMATION. I'LL JUST TOUCH ON A COUPLE OF THEM. THE FLOOR AREA RATIO PROPOSED IS NOT EXCEEDING THE MAXIMUM. THE BUILDING HEIGHT PROPOSED IS 90 FEET INCLUSIVE OF ALL MECHANICAL EQUIPMENT. THE OPEN SPACE REQUIRED, THE CRITERIA REQUIRES AN ADDITIONAL FIVE PERCENT OPEN SPACE, IS TO BE PROVIDED ON THE DEVELOPMENT SITE. THAT FIVE PERCENT MAKES UP APPROXIMATELY 6,214 SQUARE FEET. THERE IS 57, 632 SQUARE FEET OF OPEN SPACE PROVIDED ON THE DEVELOPMENT SITE. THE DEVELOPMENT REVIEW BOARD REVIEWED THIS AT THEIR MARCH 7 HEARING AND FORWARDED A RECOMMENDATION OF APPROVAL. THE PLANNING COMMISSION ALSO HEARD THIS AT THEIR MARCH 20 AND ALSO FORWARDED A RECOMMENDATION OF APPROVAL. THAT CONCLUDES STAFF'S PRESENTATION AND THE APPLICANT IS ALSO AVAILABLE.

Mayor Lane: THANK YOU BRYAN. YOU'RE OUT OF ORDER, I'M HOLDING YOU TO BREVITY. THERE ARE TWO CARDS. FIRST COPPER PHILLIPS, THEN JOHN WASHINGTON.

[Time: 05:04:18]

Copper Phillips: THIS IS AN AREA I DRIVE BY, JUST ABOUT DAILY. IT IS RIGHT OFF SCOTTSDALE ROAD, RIGHT BEHIND SCOTTSDALE QUARTER. THE OTHER BUILDING I DRIVE BY ALMOST DAILY IS THE HENKEL BUILDING. I CAN TELL YOU A LITTLE ABOUT THE HENKEL BUILDING. JOANIE FLATTS HIT IT SQUARE ON, IT'S THE BUTT-UGLY BUILDING IN SCOTTSDALE. IT STICKS OUT LIKE A SORE THUMB. I'M VERY MUCH CONCERNED THAT WE'RE GOING TO REPLICATE THAT DISTINCTION BY HAVING A 90-FOOT BUILDING BEHIND THE SCOTTSDALE QUARTER. 90 FEET STANDS MONUMENTALLY TALLER THAN ANYTHING IN THAT AREA. THE REASON YOU'VE HAD NO RESIDENTIAL INPUT INTO THIS IS BECAUSE THERE ARE NO RESIDENTS IN THAT AREA. IT'S A COMMERCIAL AREA AS WE SAW. HAVING A 90-FOOT STRUCTURE BEHIND THE SCOTTSDALE QUARTER IS ABYSMALLY OUT OF PLACE. THE ONLY REASON TO GO THAT HIGH IS TO LINE THE POCKETS OF THE DEVELOPER AT THE EXPENSE OF THE RESIDENTS. I DOUBT WE HAVE THE INFRASTRUCTURE TO MANAGE THIS. THE TRAFFIC CONGESTION AT THAT INTERSECTION IS HORRENDOUS AS IT IS NOW. I WAS JUST AT THE APPLE STORE AND I WAITED AND WAITED AND

WAITED AND WAITED TO GET OUT ONTO GREENWAY-HAYDEN LOOP. GIVEN THE WAY THINGS CURRENTLY ARE, INCREASING THAT BY ONE THIRD IS NOT LOGICAL OR PRUDENT FROM A TRAFFIC OR SAFETY INFRASTRUCTURE STANDPOINT. I WOULD RESPECTFULLY REQUEST THAT WE MAINTAIN THE 60 FEET AS THE HEIGHT LIMIT. IF THEY WANT TO GO A LITTLE FURTHER OUT ON THE DENSITY THAT MIGHT BE AN ISSUE BUT I THINK THE HEIGHT LIMIT AT 90 FEET IS TOTALLY UNFITTING THE AREA. THANK YOU.

Mayor Lane: THANK YOU MS. PHILLIPS. JOHN WASHINGTON.

[Time: 05:06:21]

John Washington: I KNOW A LITTLE BIT ABOUT THE SCOTTSDALE AIRPARK. BRIAN, IF I CAN GET THE ELMO. THE SPOT WE'RE TALKING ABOUT IS RIGHT ABOUT HERE. THIS BIG GRAY AREA HERE IS THE SCOTTSDALE AIRPORT. WE'RE TALKING ABOUT A DISTANCE FROM HERE TO HERE, LESS THAN THE LENGTH OF THE RUNWAY, ONE OF THE BUSIEST AVIATION AIRPORTS IN THE COUNTRY. THIS PROJECT WAS A MISTAKE FROM THE BEGINNING AND YOU'RE CONSIDERING COMPOUNDING IT AND MAKING IT WORSE. I WANT TO KNOW WHO THE DRB PERSON WAS THAT VOTED AGAINST THIS. THAT GUY OUGHT TO BE FIRED OFF DRB. WE'VE FIRED AIRPORT COMMISSIONERS FOR LESS THAN THAT. JOHN MADE A COMMENT EARLIER ABOUT C3 ZONING BEING THE MOST INTENSE ZONING WE HAVE. JOHN WAS WRONG ABOUT THAT, JOHN IS WRONG ABOUT A LOT OF THINGS. WE DO ACTUALLY HAVE A LITTLE BIT OF INDUSTRIAL ZONED PROPERTY IN SCOTTSDALE IN THE SCOTTSDALE AIRPARK. THE SCOTTSDALE AIRPARK WAS SET UP SPECIFICALLY AS A BUFFER BETWEEN THE EXTREMELY HIGH INTENSITY USES OF THE AIRPORT AND SURROUNDING THE AIRPORT AND USES OF LESS INTENSITY AROUND HERE PARTICULARLY RESIDENCES. WE CONTINUE TO MAKE THIS MISTAKE OVER AND OVER AGAIN, APPROVING RESIDENCES IN THE AIRPARK WHICH IS SUPPOSED TO BE A BUFFER TO BENEFIT RESIDENCES AND HELP SEPARATE THEM FROM THE AIRPORT. I WAS TALKING TO JIM HAXBY, HE'S DONE A LITTLE BIT OF FLYING TOO. HE AND I ATTENDED A MEETING WHICH MR. GILBERT HELD, A PUBLIC OUTREACH MEETING ON THIS PROJECT. THIS IS BROADSTONE AT LINCOLN AND SCOTTSDALE ROAD. JIM AND I WERE BOTH INCREDULOUS TO DISCOVER THAT THE TYPE OF CONSTRUCTION YOU SEE HERE IS GOING TO BE THE STRUCTURE OF THE RESIDENCES AT SCOTTSDALE QUARTER. I DON'T KNOW IF THAT'S CHANGED NOW THAT WE'RE GOING UP ANOTHER 30 FEET, BUT I HAVE A LOT OF CONCERN ABOUT THAT AND JIM HAXBY MADE KIND OF A FUNNY COMMENT. HE SAID, BOY, THAT LOOKS LIKE A TERMITE BUFFET. I HAVE A LOT OF CONCERN. IF THIS IS THE QUALITY OF A LUXURY APARTMENT IN SCOTTSDALE, I THINK MAYBE WE NEED A NEW DICTIONARY.

Mayor Lane: MR. GILBERT, IF YOU'D LIKE TO RESPOND TO THAT WE'LL GIVE YOU A COUPLE OF MINUTES TO DO SO.

[Time: 05:10:01]

Applicant Paul Gilbert: LET ME START IN REVERSE ORDER. WE APPRECIATE MR. WASHINGTON'S COMMENTS. LET'S TAKE CARE OF THE AIRPORT ISSUE. WE ARE NEAR THE AIRPORT BUT WE ARE IN THE COMPATIBILITY ZONE AC1, WE'RE IN THE PROPERTY LEAST AFFECTED BY THE AIRPORT. WE HAVE COMPLIED WITH ALL THE REQUIREMENTS OF AC1 AND MOST IMPORTANTLY WE HAVE A DETERMINATION LETTER FROM THE FAA. INCIDENTALLY, BEFORE WE EVEN FILED THIS CASE, I WENT

OUT AND MET WITH THE STAFF AT THE AIRPORT AND OUTLINED WHAT WE WERE GOING TO DO, TOLD THEM EVERYTHING AND SAID IF YOU HAVE A CONCERN, WE'LL BE GLAD TO COME AND MEET BEFORE THE COMMISSION, WE'LL DO WHATEVER YOU WANT TO DO. ONCE WE EXPLAINED TO THEM WE NEVER HEARD FROM THEM. THE AIRPORT IS NOT AN ISSUE, IT'S A RED HERRING IN THIS CASE, I DON'T THINK THAT'S AN ISSUE THAT SHOULD BEAR ON WHETHER YOU APPROVE THIS CASE OR NOT. A COUPLE OF OTHER THINGS. THE ISSUE HAS BEEN RAISED WITH REGARD TO THE TRAFFIC. WE ARE NOT INCREASING THE NUMBER OF UNITS. WE CAN PUT MANY MORE UNITS ON THERE THAN WE ARE. WE'RE KEEPING THE SAME NUMBER OF UNITS. THERE WILL BE NO INCREASE IN TRAFFIC. WHEN THE COMMENT IS MADE THAT THERE IS NO HEIGHT ANYWHERE IN THE AREA, RIGHT ACROSS THE STREET FROM US, OUR COMPETITOR IS 120 FEET HIGH IN THE CITY OF SCOTTSDALE RIGHT ACROSS THE STREET. WE'RE ONLY ASKING FOR 90 FEET, AND LET'S TALK ABOUT THAT 90 FEET. AS YOU SEE FROM THIS DRAFT, WE ARE CONSISTENT WITH THE ORDINANCE WE ASKED YOU TO PASS. WE ARE STAYING WITHIN 90 FEET BUT THAT 90 FEET IS MEASURED WITH THE AIRCONDITIONING EQUIPMENT AND ALL THE OTHER EQUIPMENT INCLUDED. THEREFORE, IF YOU LOOK AT HOW HIGH WE WILL BE, IT WILL BE ROUGHLY 8 TO 10 FEET HIGHER THAN WHAT IS RIGHT ACROSS THE STREET FROM US ON OUR OWN PROJECT WHEN YOU COUNT THE AIR CONDITIONING UNITS. YOU'RE NOT GOING TO SEE SOME BIG UGLY 30 FEET TALLER BUILDING, YOU'RE GOING TO SEE A BUILDING THAT WILL BE ABOUT 8 TO 10 FEET TALLER THAN IT ALREADY IS. A COUPLE OF OTHER QUICK POINTS. THE COMMENT HAS BEEN MADE THAT THERE'S NO ONE TO COMPLAIN BECAUSE THIS IS PRIMARILY COMMERCIAL. WHAT BETTER PLACE TO PUT THE HEIGHT THAN THE PLACE WE'RE PUTTING IT. THIS ORDINANCE HAS BEEN FULLY VETTED AND WE HAVE HAD VIRTUALLY, OTHER THAN THE MEETING THAT MR. WASHINGTON ATTENDED, WE HAD NO ONE IN OPPOSITION IN ANY OF OUR MEETINGS DUE TO THE ZONING OR TO THE ORDINANCES. WE'RE HERE WITH THE RECOMMENDATION OF APPROVAL FROM THE STAFF, FROM THE PLANNING COMMISSION AND WE HAVE HAVE A DETERMINATION WHICH YOU NEED TO MAKE THIS EVENING THAT WE COMPLY WITH THE ORDINANCE PROVISIONS. WE HAVE THAT FROM THE DRB, FROM THE PLANNING COMMISSION AND FROM THE STAFF. MAYOR, THAT'S ABOUT AS SHORT AS I CAN MAKE IT.

Mayor Lane: THAT WORKS OUT PERFECTLY. THANK YOU. OK. WE HAVE NO FURTHER PUBLIC TESTIMONY. WE'LL START WITH SOME CONVERSATIONS OR MOTIONS. COUNCILMAN ROBBINS?

[Time: 05:13:35]

Councilman Robbins: I HAVE A QUESTION. I GUESS, MR. WASHBURN, REGARDING PROP 207 WAIVER. DID WE GET AN ANSWER TO THAT?

City Attorney Bruce Washburn: COUNCILMAN ROBBINS, I DISCUSSED THAT MATTER WITH. MR. GILBERT BEFORE THE MEETING AND HE HAS A RESPONSE.

Paul Gilbert: WE APOLOGIZE FOR THAT. MY CLIENT IS HERE THIS EVENING. YOU MAY WANT TO RAISE YOUR HAND SO THEY KNOW WHO YOU ARE. HE'S VERY WILLING TO SIGN IT, BUT UNFORTUNATELY HE'S NOT THE PROPERTY OWNER. HE'S THE APPLICANT. IT HAS TO BE SIGNED BY THE PROPERTY OWNER. WE JUST GOT IT YESTERDAY. I'M NOT ANTICIPATING ANY PROBLEMS FROM SIGNING THAT WAIVER. INCIDENTALLY, I NEVER HAD A CLIENT THAT HAS REFUSED TO SIGN THE 207 WAIVER, SO I'M TRYING TO SAY THAT I THINK WE WILL GET THAT SIGNED. JUST GIVE US A LITTLE BIT OF TIME TO DO IT.

Councilman Robbins: MR. WASHBURN, CAN WE MAKE A STIPULATION OR SUBJECT TO THAT? IT'S HARD TO JUST TAKE A STATEMENT LIKE THAT AND RELY ON IT JUST WITHOUT SOMETHING TO BACK IT UP.

Bruce Washburn: COUNCILMAN ROBBINS, I COULD NOT GUARANTEE YOU COULD MAKE THAT AN ENFORCEABLE STIPULATION. I CAN GUARANTEE YOU THAT IF IN FACT THEY DO SIGN THE WAIVER AFTER THE APPLICATION IS GRANTED THAT THE WAIVER WILL BE EFFECTIVE, SO YOU CAN GET EFFECTIVE WAIVERS AFTER THE FACT, BUT IT'S NOT AN APPROPRIATE STIPULATION AS A CONDITION OF GRANTING THE APPLICATION. THANK YOU.

Mayor Lane: THANK YOU, COUNCILMAN. COUNCILMAN LITTLEFIELD?

Councilman Littlefield: THAT'S PUTS A WHOLE NEW CAST ON THIS. I THINK WE CERTAINLY SHOULDN'T BE PASSING THIS BECAUSE IF WE DO THAT WE BASICALLY GIVEN AWAY IF WE CAN'T MAKE THAT A STIPULATION. WE'VE GIVEN AWAY ANY LEVERAGE WE HAVE. WHY WOULD SOMEBODY THEN SIGN THE PROP 207 WAIVER IF WE HAD ALREADY APPROVED THEIR PROJECT WITHOUT IT? ON A PROCESS ISSUE, THAT'S FOOLISH. IF WE DON'T HAVE THE PROP 207 WAIVER IN HAND, WE OUGHT TO NOT APPROVE THIS TONIGHT. WE OUGHT TO AT A MINIMUM CONTINUE IT.

Mayor Lane: THANK YOU, COUNCILMAN. YOU KNOW, I HAVE TO SAY I AGREE. THIS PROP 207 WAIVER HAS BEEN PUT IN A FORM. I THINK IT'S AS MUCH ADJUSTED AND MUCH BETTER FORM THAN IT ONCE WAS. IT HAS LESS PERSPECTIVE AND MUCH MORE TO THE POINT AND IT DOES COVER SOME REAL POTENTIAL RISK THAT THE CITY WOULD HAVE IN ALLOWING IT TO GO FORWARD WITHOUT IT. NOT THAT THIS IS ANY REFLECTION ON MR. GILBERT OR HIS CLIENT, BUT AT THE SAME TIME I THINK IT PROBABLY WOULD BE SOMETHING WE WOULD BE IN POOR POSITION TO GO AHEAD AND PURSUE WITHOUT THAT.

Paul Gilbert: IN RESPONSE TO THAT, I'M VERY WILLING TO HAVE YOU MAKE IT A STIPULATION. I'M ALSO VERY WILLING TO AVOW TO YOU THAT I WILL GET IT SIGNED. WE JUST GOT IT YESTERDAY.

Mayor Lane: YEAH, I DON'T KNOW WHAT THE SITUATION IS, MR. WASHBURN. I GUESS I'D WONDER WHY IT WAS THIS LATE IN THE GAME THAT HE JUST INDICATED THAT HE JUST RECEIVED IT YESTERDAY. THAT MAYBE DOESN'T PLAY TOO MUCH. IS THAT STANDARD COURSE?

Bruce Washburn: YOUR HONOR, I'M NOT AWARE OF THE EXACT CIRCUMSTANCES UNDER WHICH THE WAIVER WAS PRESENTED. MAYBE HE CAN ADDRESS THAT.

Current Planning Director Tim Curtis: MAYOR, MEMBERS OF THE COUNCIL, APPARENTLY THERE'S SOME CONFUSION IN THE DELIVERY OF WHO NEEDED THE SIGNATURE OF THE PROPOSITION 207. IT'S NOT TOTALLY UNUSUAL WHERE WE GET THE PROP 207 WAIVER POST-APPROVAL. THAT HAS HAPPENED IN THE PAST. KEEP IN MIND THERE ARE THREE PREVIOUS PROPOSITION 207 WAIVERS ON THE SCOTTSDALE PROPERTY FROM PREVIOUS APPROVALS IF THAT PROVIDES ANY COMFORT TO THE COUNCIL.

Mayor Lane: DOES IT ADDRESS THIS SPECIFIC REQUEST THOUGH? THEY WOULD BE PREVIOUS REQUESTS AND WHATEVER CHANGES MIGHT HAVE TAKEN PLACE IN THE ZONING UNDER THOSE PREVIOUS 207 WAIVERS.

[Time: 05:18:08]

Tim Curtis: YOU'RE CORRECT, MAYOR. IT DOES NOT APPLY TO THIS REQUEST. YOU'RE CORRECT.

Mayor Lane: BUT, YOU ARE SAYING THOUGH THAT MICHAEL GLIMCHER AND HIS FIRM DID SIGN THOSE PREVIOUS REQUESTS?

Tim Curtis: YES, MAYOR. THERE HAVE BEEN PREVIOUS REQUESTS BY THE PROPERTY OWNER ON SCOTTSDALE QUARTER AND, AGAIN, IT'S NOT ENTIRELY UNUSUAL WHERE WE GET THEM POST-APPROVAL BECAUSE OFTENTIMES THE PAPERWORK TAKES AWHILE TO GET APPROPRIATE SIGNATURES ON THE PAPERWORK.

Mayor Lane: THANK YOU. MR. WASHBURN, IS THERE SOMETHING OTHER THAN A STIPULATION THAT WE COULD EXTRACT? OF COURSE, WE'RE TALKING ABOUT THE CLIENT OR THE PROPERTY OWNERS REPRESENTATIVE WHO REALLY CAN'T EVEN COMMIT THEM TO THAT TYPE OF AGREEMENT.

Bruce Washburn: CORRECT, IT'S MY UNDERSTANDING THAT THE WAIVER WAS PRESENTED TO THE PROPERTY OWNER AND THE PROPERTY OWNER DECLINED TO SIGN IT. IT'S NOT LIKE THEY DIDN'T HAVE TIME TO SIGN IT. THEY JUST CHOSE NOT TO. IN ANY EVENT, ANOTHER POSSIBILITY WOULD BE THAT THE ORDINANCE WOULDN'T TAKE EFFECT FOR 30 DAYS. YOU COULD PASS THE ORDINANCE AND THEN IF THE WAIVER IS NOT SIGNED BEFORE IT TAKES EFFECT, IT COULD BE RESCINDED BECAUSE IT WOULDN'T HAVE VESTED RIGHTS AT THAT TIME. THAT WOULD BE ANOTHER WAY TO DO IT.

Paul Gilbert: THAT WOULD BE PERFECTLY ACCEPTABLE TO US.

Mayor Lane: WELL, MR. WASHBURN DID MENTION ONE THING THAT'S A LITTLE DISTURBING AND THAT'S THE FACT THAT THERE'S AN INDICATION THERE'S A REFUSAL TO SIGN IT VERSUS JUST AN OVERSIGHT OR MISDIRECTION.

Paul Gilbert: THAT'S NEWS TO ME. WE'VE SIGNED IT IN THE PAST. IT REALLY SURPRISES ME TO HEAR THAT. MR. GLIMCHER HAS BEEN REALLY COOPERATIVE WITH THE PROPERTY AND EVERYTHING WE'VE ASKED TO DO. I'M REALLY SURPRISED TO HEAR THAT. I'M JUST SO CONFIDENT. THAT'S WHY I'M SAYING BETWEEN THE 30-DAY HIATUS AND THE ADOPTION OF THE ORDINANCE WE CAN GET IT DONE.

Mayor Lane: IF WE TRULY HAVE, MR. WASHBURN, A RECOURSE WITHIN THE 30-DAY PERIOD OF TIME, LET'S JUST INDICATE THAT WE NEED TO HAVE THAT WITHIN A WEEK SO THAT WE'RE WELL IN ANY 30-DAY PERIOD OF TIME. WOULD THAT PROTECT US, MR. WASHBURN?

Bruce Washburn: YES, MAYOR, WE CAN MAKE THAT WORK. WE CAN SAFELY DO THAT.

Mayor Lane: OK. COUNCILMAN LITTLEFIELD?

Councilman Littlefield: GIVEN THAT THE PROPERTY OWNER REFUSED TO SIGN IN THE FIRST PLACE, I CERTAINLY DON'T SEE WHY HE WOULD NOW DECIDE TO DO THAT SINCE IT'S AGAINST HIS INTEREST AFTER WE WOULD GO AHEAD AND PASS THIS. LET'S BE HONEST. IF WE PASS THIS TONIGHT, WE'RE NOT GOING TO COME BACK AND RESCIND IT. WE'VE NEVER DONE THAT. CERTAINLY, NOT IN THE 11 YEARS I'VE BEEN HERE. I'M GOING TO MAKE A MOTION THAT WE CONTINUE THIS CASE UNTIL THE MAY 7 MEETING TO GIVE PROPERTY OWNER TIME TO SIGN THE WAIVER.

[Time: 05:21:12]

Councilmember Phillips: SECOND.

Mayor Lane: MOTION HAS BEEN MADE TO CONTINUE AND HAS BEEN SECONDED. WOULD THE SECOND LIKE TO SPEAK TOWARD IT?

Councilmember Phillips: NO.

Mayor Lane: OK, COUNCILWOMAN KORTE, WOULD YOU LIKE TO COMMENT ON THIS OR? OK. ALL RIGHT. WE DO HAVE A MOTION TO SECOND ON THE TABLE FOR A CONTINUANCE. NO FURTHER COMMENTS ARE SEEN. I THINK WE'RE READY TO VOTE ON THAT CONTINUANCE. ALL THOSE IN FAVOR, PLEASE INDICATE BY AYE. THOSE OPPOSED INDICATE WITH A NAY. MOTION FAILS 5-2 WITH COUNCILMAN PHILLIPS AND COUNCILMAN LITTLEFIELD IN THE POSITIVE POSITION. THAT LEADS US BACK TO THE POSITION AS IT MAY DEVELOP. I DON'T KNOW IF WE LOOK FOR A MOTION WITH THE UNDERSTANDING THAT WE HAVE THE 30-DAY PERIOD OF TIME AND THAT THERE'S A COMMITMENT FROM THE REPRESENTATIVE FROM THE OWNER THAT WE'LL GET THIS COMPLIED WITH WITHIN SEVEN DAYS. FACED WITH THE OPTION THAT THEY WOULD BE RESCINDED IF WE DON'T RECEIVE IT. IS THAT PLAIN ENOUGH?

Bruce Washburn: YEAH, YOU'RE CORRECT, MAYOR. THE ACTUAL MOTION ITSELF WOULD BE TO ADOPTED THE ORDINANCE. REST OF IT IS....

Mayor Lane: RIGHT, THE REST OF IT IS AN UNDERSTANDING AND SOMETHING WE WOULD BE FOLLOWING THROUGH ON AS WELL. OK.

Paul Gilbert: UNDERSTOOD.

Mayor Lane: ALL RIGHT. I GUESS I'LL MAKE THE MOTION TO GO AHEAD AND ADOPT RESOLUTION 9354 AND ADOPT ORDINANCE 4075 AS IS INDICATED HERE IN OUR REPORT. MOTION MADE AND SECONDED. WE'RE READY THEN TO VOTE.

Mayor Lane: SORRY. WE GOT PREEMPTED A LITTLE BIT. THANK YOU FOR YOUR ENTHUSIASM. COUNCILMAN LITTLEFIELD, DID YOU WANT TO MAKE A COMMENT?

[Time: 05:23:17]

Councilman Littlefield: WE HAVE THIS EVERY TIME IT COMES UP NEAR THE AIRPORT. THE DODGE IS WE AREN'T IN THE OFFICIAL INFLUENCE AREA. THAT IS COMPLETELY IRRELEVANT. WHEN WE HAD THE CONTROVERSY A COUPLE YEARS AGO ABOUT NOISE AT THE AIRPORT, ALMOST ALL, IN FACT ALL OF THE COMPLAINTS FROM NEIGHBORS ABOUT NOISE CAME FROM PEOPLE OUTSIDE THE AIRPORT INFLUENCE AREA BECAUSE AT THAT POINT WE HAD WISELY NOT APPROVED ANY RESIDENCES THAT CLOSE TO THE AIRPORT. I'M OPPOSED TO RESIDENCES IN THE AIRPORT IN GENERAL AND I GUARANTEE YOU IT'S JUST LIKE THE OTHER APARTMENTS WE APPROVED NEARBY. AS SOON AS PEOPLE GET LIVING HERE, THEY'LL COMPLAIN ABOUT NOISE AT THE AIRPORT. NOT ONLY AM I OPPOSED TO RESIDENCES NEAR THE AIRPORT, BUT I'M OPPOSED TO TALLER RESIDENCES NEAR THE AIRPORT. I FLY OUT OF SCOTTSDALE ALL THE TIME. YOU BUILD A TALLER BUILDING NEAR THE AIRPORT, I'M THINKING TARGET AND IT'S JUST NOT SAFE, SO ONCE AGAIN THE FACT THAT WE'RE NOT OFFICIALLY IN THE AIRPORT INFLUENCE AREA DOESN'T CHANGE THE FACT THAT THIS BUILDING WILL HAVE A NEGATIVE IMPACT ON THE AIRPORT JUST LIKE ANY RESIDENCE NEAR THE AIRPORT. I'M GOING TO BE OPPOSING IT.

Mayor Lane: THANK YOU, COUNCILMAN. YOU SEE BUILDINGS IN THAT HEIGHT AND YOU THINK TARGET, I GUESS I WON'T BE FLYING WITH YOU MUCH. IN ANY CASE, WE HAVE A MOTION ON THE TABLE, IT'S GETTING LATE. WE HAVE A MOTION ON THE TABLE. THOSE INDICATE WITH AYE AND OPPOSE WITH A NAY. MOTION PASSES WITH COUNCILMAN LITTLEFIELD AND COUNCILMAN PHILLIPS OPPOSING.

Paul Gilbert: THANK YOU.

#### **PUBLIC COMMENT**

[Time: 05:28:28]

Mayor Lane: THAT COMPLETES OUR REGULAR AGENDA ITEMS. WE MOVE ON TO PUBLIC COMMENT WHICH WE DO HAVE ONE REMAINING PUBLIC COMMENT FOR END OF PERIOD. IT IS MR. WASHINGTON WITH A REMINDER EVEN AT THE END OF SESSION, MR. WASHINGTON THAT IT IS NOT AGENDA ITEMS.

[Time: 05:25:57]

John Washington: WELL, MAYOR LANE, THANK YOU. YOU KNOW WHAT THIS IS ABOUT SINCE YOU GOT A COPY OF IT. I'LL BE VERY FRANK AND SAY THIS IS A BIT OF PROTOCOL TRICKERY ON MY PART BECAUSE I DON'T THINK THE RULES OF PROCEDURE PROHIBIT ME FROM SUBMITTING A PETITION FROM AN ITEM ON THE AGENDA AND AGAIN FRANKLY THE REASON I DIDN'T MAKE THE COMMENT WHEN THIS ITEM WAS UP I BELIEVE IT WAS ON THE CONSENT AGENDA WAS THAT I WAS TRYING TO GET DOWN HERE AS QUICK AS I COULD. I WAS OUT OF TOWN, BUT WITH YOUR CAUTION, I WILL BE BRIEF. I KNOW IT'S LATE AND WE WANT TO GET OUT OF HERE. I WOULD LIKE TO ENTER THIS. CHARLES POSTEN PUT THIS INFORMATION TOGETHER ABOUT THE RATES AND FEES FOR OUR PROPOSED INCREASES FOR WATER RATES AND SEWER RATES. YOU ALL GOT A COPY OF IT. JUST FOR THE PUBLIC RECORD, WE HAD QUITE A DISCUSSION ABOUT THIS BACK IN JANUARY ABOUT HOW MR. POSTEN IN PARTICULAR WAS NOT CONVINCED AND HE SHOWED ME HIS MATH THAT HE FEELS LIKE THESE RATES ARE NOT JUSTIFIED AND THEY FRANKLY DON'T LOOK VERY JUSTIFIED TO ME EITHER. IN FACT, AGAIN,

I'M GOING TO SHORTCUT THE PROCESS HERE BECAUSE YOU CAN LOOK AT THE CALCULATIONS, BUT I THINK THE MOST IMPORTANT THING TO LOOK AT IS PAGE THREE WHICH I'LL PUT ON THE ELMO. THANKS, BRIAN, FOR ANTICIPATING THAT. THE CPI WHICH IS HOW CONSUMERS JUDGE WHETHER SOMETHING IS TOO HIGH HAS INCREASED DURING THE TIME FRAME UNDER CONSIDERATION HERE ABOUT 192%. THE WATER RATES IN THE CITY OF SCOTTSDALE HAVE GONE UP 223% AND THE SEWER RATES HAVE GONE UP 300% FAR OUTSTRIPPING THE CPI. AS THE PETITION SAYS, I BELIEVE THAT THERE ARE AREAS WHERE WE COULD DO THINGS MORE EFFICIENTLY IN OUR WATER AND WASTE WATER DEPARTMENTS AND THIS IS NOT SUPPOSED TO BE A MONEY MAKING ENTERPRISE. THIS IS ABOUT DELIVERING A SERVICE TO THE CITIZENS AND ARBITRARY INCREASES AND OUR RATES BASED ON WHAT OTHER MUNICIPAL WATER SYSTEMS ARE CHARGING OR NOT APPROPRIATE. I'LL WRAP IT WITH THAT. THANK YOU.

Mayor Lane: THANK YOU, MR. WASHINGTON. WE DO HAVE THAT PETITION IN FRONT OF US FOR OUR REVIEW AND CONSIDERATION OF MR. WASHINGTON'S COMMENTS. COUNCILMAN LITTLEFIELD.

Councilman Littlefield: I MOVE WE AGENDIZE PETITION FOR CONSIDERATION.

Councilmember Phillips: I'LL SECOND IT.

Mayor Lane: MOTION MADE TO AGENDIZE IT. WOULD THE SECOND LIKE TO SPEAK TOWARDS IT AT ALL?

Councilmember Phillips: NO.

Mayor Lane: WE DON'T GET A LOT OF CONVERSATION ON THIS. OK. THEN I SUPPOSE WE'RE READY TO VOTE ON THAT REQUEST TO AGENDIZE. WE'RE NOT SEEING ANYTHING. YES. I'M SORRY. THOSE IN FAVOR INDICATE BY AYE, OPPOSED WITH A NAY. MOTION FAILS 5-2 WITH COUNCILMAN LITTLEFIELD AND COUNCILMAN PHILLIPS IN THE POSITIVE.

THERE'S ANOTHER PETITION IN FRONT OF US FROM A NUMBER OF INDIVIDUALS AND THERE'S NO CARD TO SPEAK ON THIS. IT WAS SPOKEN ABOUT IN THE PUBLIC COMMENTS INITIALLY. IT SPEAKS TOWARDS JUST FOR A REMINDER WE THE UNDERSIGNED RESIDENTS REQUEST THE CITY COUNCIL AGENDIZE THAT BLUE SKY HAS MET THE STIPULATION IN THEIR ZONING APPROVAL REQUIRING THAT ON-SITE CONSTRUCTION BELOW AND ABOVE GROUND EXCAVATION MUST BEGIN WITHIN 24 MONTHS OF THE CITY COUNCIL'S APPROVING TO AVOID MOVING BACK TO THE ORIGINAL ZONING. THAT'S THE ESSENCE OF THE REQUEST TO REAGENDIZE OR TO RECONSIDER. I'M NOT SURE WHAT FORM THAT WOULD TAKE. RIGHT NOW WE'RE JUST TALKING ABOUT WHETHER TO PUT IT ON THE AGENDA FOR CONSIDERATION. COUNCILMAN PHILLIPS.

Councilmember Phillips: THANK YOU, MAYOR. I MOVE WE REAGENDIZE.

Councilman Littlefield: SECOND.

Mayor Lane: MOTION HAS BEEN MADE AND SECONDED. WOULD THE SECOND LIKE TO SPEAK TOWARD IT. AGAIN, WE'RE SORT OF AT A POINT OF NONCONVERSATION ABOUT IT. OK. WE'RE READY

THEN TO VOTE FOR IT OR AGAINST IT. THE MOTION HAS BEEN MADE TO AGENDIZE THIS PETITION REQUEST. THOSE IN FAVOR, PLEASE INDICATE BY AYE AND THOSE OPPOSED WITH A NAY.

**ADJOURN**

[Time: 05:31:50]

MOTION PASSES 4-3, SO WE'LL BE AGENDIZING FOR RECONSIDERATION. THAT PUTS IT ON THE AGENDA. IS THERE A FINAL ORDER OF BUSINESS? SEEING NO OTHER COMMENTS OR OTHERWISE, WE HAVE A MOTION TO ADJOURN AND SECONDED. WE ARE ADJOURNED. THANK YOU ALL VERY MUCH.

GOOD NIGHT, EVERYBODY.

GOOD NIGHT. THANK YOU, COUNCILWOMAN.